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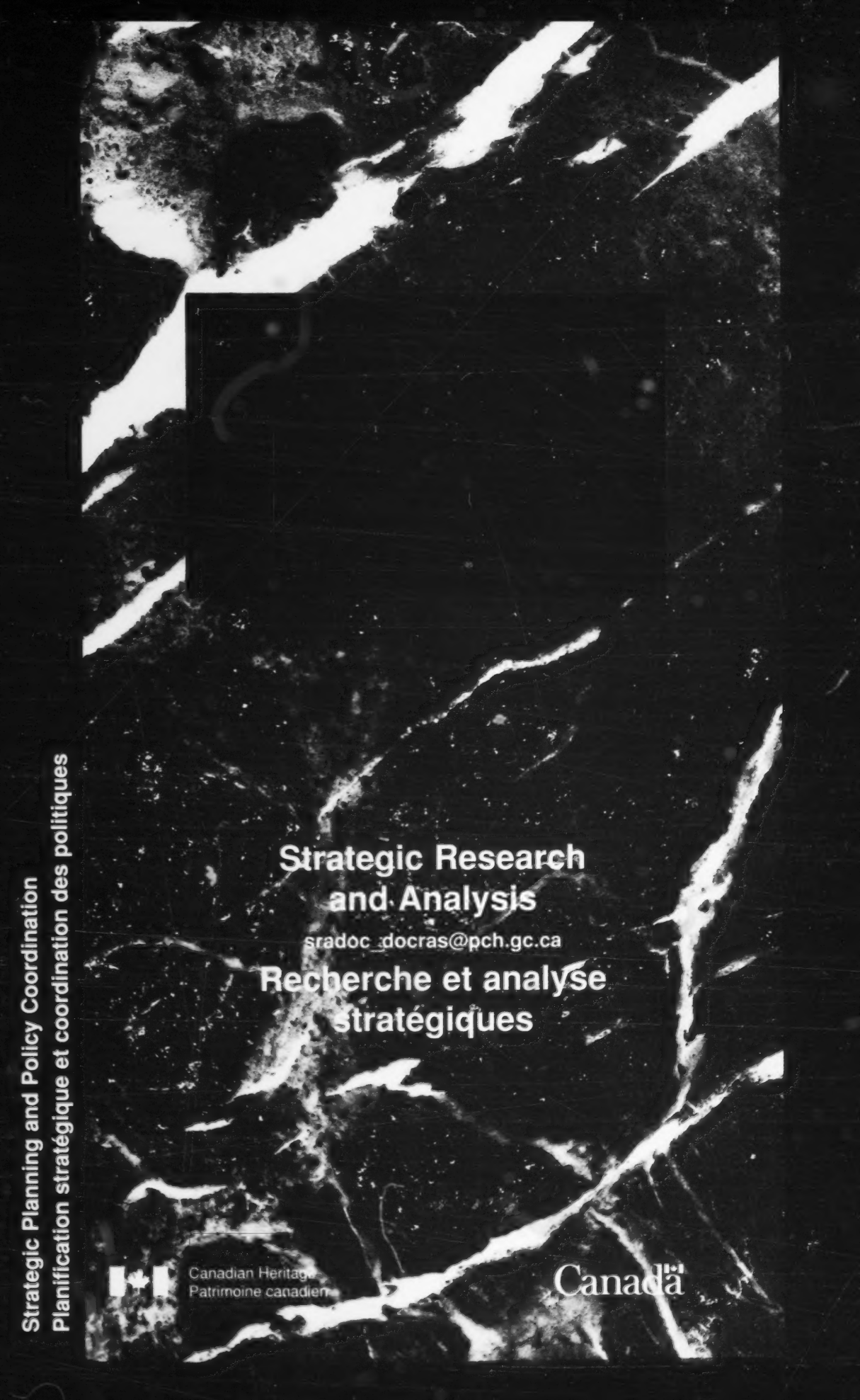
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CONCEPTUAL FRAMEWORK FOR AN ANALYSIS OF CITIZENSHIP IN THE LIBERAL DEMOCRACIES

VOLUME II: APPROACHES TO CITIZENSHIP IN SIX LIBERAL DEMOCRACIES

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FOREWORD

This study was commissioned by the Department of Canadian Heritage (Citizens' Participation, Multiculturalism and Strategic Research and Analysis Directorates) to support policy and program development in the Department and to advance the research agenda of the Citizenship Education Research Network (CERN). The study is in two parts. Volume I includes the conceptual framework as well as a brief comparative analysis of citizenship in six jurisdictions. Volume II includes more detailed country profiles, based on the conceptual framework, which present key dimensions of the citizenship debate in the United States, France, Australia, Great Britain, Canada and Canada (Quebec). Both parts of the study are available in French and English.

The study was completed by France Gagnon and Michel Pagé of the Université de Montréal with the assistance of Marie McAndrew. Coryse Ciceri and Stephane Bernatchez also participated in the drafting of particular sections. The study was also assisted by an advisory committee consisting of Joe Carens of the University of Toronto, Wayne Norman of the University of British Columbia, and Alan Sears of the University of New Brunswick.

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VOLUME II:

APPROACHES TO CITIZENSHIP IN SIX LIBERAL DEMOCRACIES

The definition of macro-concepts in the conceptual framework and their development into a network of micro-concepts is intended to provide a useful and effective framework for significant information about citizenship in the societies in question and to characterize the issues involved in citizenship in these various liberal democracies. (See Conceptual Framework, Appendix A)

The criteria for the selection of documentation about a given society should be very clearly stated. The primary sources of information are those about national citizenship policies and programs. Texts which are adopted by the state have the consensus of at least the majority. Additional sources of information can be well known authors, primarily academics or journalists, explaining how state programs and public policies are implemented in everyday life.

The difficulty is therefore to clearly identify which information to use and which to leave out. Which criteria can guide us in this choice? If the information characterizing one aspect of a society is concise and in itself not open to debate, it is valid. This does not include positions of authors, for instance, describing what they would consider an ideal system of rights. We are interested in the current system of functional rights. If it is contested, this must be by recognized sources, pointing for instance to a shortcoming in the system of rights. We should also include documentary sources which highlight a problem, identify a change or propose one as a solution to a glaring problem. In view of the volume of documentation, for one thing, and because citizenship is evolving in the societies in question, we do not seek to be exhaustive. The conceptual framework will have proven its usefulness if it points out, in the opinion of key witnesses, major aspects of the citizenship debate in their society. The conceptual framework is an instrument for analysis which must be seen as an ongoing process.

The sources of documentation we used to analyse the various elements of citizenship in societies offer a current perspective and cover a broad range of aspects. We are not attempting to provide an historical perspective on the subject, although some of the literature we quote gives an historical account of the subject. We focus instead on the information which reflects the current debate on citizenship. We have not made an exhaustive search of the citizenship literature for all the societies in question. We selected texts which we considered essential for our purposes.

The following analysis of various societies includes numerous variants, depending on the society being studied. In the case of the United States, for instance, the conceptual framework was applied more exhaustively since this society was the first test of our conceptual framework. We did a thorough analysis of each sub-element of the American system. The complexity of American society then led us to draw on an authors' debate in part II to illustrate the various types of interrelationships between the macro-concepts and the conceptual framework. For France, we made a detailed analysis of the various elements of the conceptual framework before offering a brief description of the interrelationships between macro-concepts, especially between national identity and social, cultural and transnational groups. The chapter about Australia differs from the two previous chapters: the description of each element of the conceptual framework is very brief since we focussed primarily on the last section dealing with interrelations between the elements of the conceptual framework and the analysis of Australia's multiculturalism policy in this regard. Since Great Britain also has numerous citizenship and anti-racism policies, it was analysed in the same way as Australia. The structure of the chapter about Canada is not based on the previous chapters. We proceeded directly to the second level of analysis, namely, the interrelationships between the elements and concepts of citizenship resulting from these interrelationships. This approach was also used for Quebec.

CHAPTER 1: CITIZENSHIP IN THE UNITED STATES[1]

I- Characterization of citizenship

1. National identity

American national identity is a pivotal concept in the study of citizenship. The term "national identity" crops up constantly in the work of authors who write about citizenship. In answer to the question "What does it mean to be American? " they all try to define the core of American identity, underlying all the diversity that characterizes the members of American society. At the centre of the core we find civic culture.

1.1 Civic culture

In order to define the national identity specific to the U.S.A."the qualities that make an American different from a French person or a Briton" we first have to examine what aspects of the identity are shared by the largest number of people. In defining national identity, it is important not to lose sight of the many ways of expressing that identity; otherwise, national identity would be nothing more than an abstraction with no grounding in the real world of Americans. Reference must therefore be made to authors who, in exploring the question of national identity, have examined the many forms of participation in national identity. For example, these writers are concerned with disparity between social classes as an ever-present factor influencing participation in national identity. They are also concerned about the relationship between a universally shared national identity and the wide variety of ethnocultural identities. The authors whose works we have read believe it would be wrong to try to circumscribe national identity without reference to the representation of diversity in that identity. The key here is to identify what national identity is based on and what makes it possible to establish a national identity above and beyond the many different ways of being American. We will see that reference to a national identity with a unifying vision does not mean ignoring diversity but, instead, endeavouring to pinpoint what qualities, including diversity, guarantee some degree of unity in how an American is represented.

B. Barber's *An Aristocracy of Everyone* (1992) is a useful reference for defining the core of the American identity. It is the only one of Barber's books to be cited in the National Assessment of Educational Progress (NAEP) bibliography, and he is the only theorist on democracy to be listed in it. Barber is director of the Walt Whitman Center for the Culture of Politics and Democracy at Rutgers University and is well known for his work on interpreting the ideas of the founders of the United States of America. He has an abiding interest in current approaches to those ideas, specifically in responding to criticisms of American society by such authors as J. Schklar and A. Hacker, who are deeply concerned about inequality and social justice. A number of Barber's works have been translated and published in France.

According to Barber, the search for unity based on a common identity is at the core of the American identity:

"In other words, as any careful reader of American history cannot help but notice, America has always been a tale of peoples trying to be a People, a tale of diversity and plurality in search of unity. Cleavages between Protestant and Catholic, plowman and proletarian, banker and borrower, Christian and free thinker, Englishman and Dutchman, new immigrant and old immigrant, freeman and slave, rustic and cosmopolitan, German and Scandinavian, frontiersman and city dweller, and, of course, woman and man have irked and divided Americans from the start, making unity a civic imperative as well as an elusive challenge (p. 41).

What is the foundation of American identity?

"America's patriotism was rooted in ideas, not blood; in law, not kinship; in voluntary citizenship, not given roots; in constitutional faith, not religious orthodoxy (p. 58).

---

[1] Written by Michel Pagé

That unity ultimately took the form of the civil religion that republicans like Rousseau and Tocqueville dreamed of - what Sanford Levinson, following Justice Hugo Black, has aptly called 'constitutional faith' [..]. Divided by private faith, by race and gender, by class and ethnic origins, by geography and economics, Americans have no faith in common other than a faith in the commons, no shared faith but their public faith. And that faith is civic: a fidelity to the Constitution in its most generic sense. Yet it took a bloody civil war, America's true revolution, to impress upon all Americans the virtue of their fragile constitutional faith (p. 43).

The constitutional faith of Americans is a public faith in a public order; an order that, quite precisely by separating public from private, makes possible the diversity and private freedoms Americans most cherish (p. 44).

Thus national identity is characterized primarily by the concept of the fundamental equality of all citizens of all origins and kinship "All men are created equal" and by the individual freedom guaranteed by the Constitution:

"What Americans shared could be captured neither by origins nor by kinship nor by blood, which produces only an often anarchic and divisive plurality. Rights issued in citizenship and forged a stronger commonality and a firmer identity than the individual histories immigrants were escaping. The right to liberty, the right to self-legislation, the right to be included in a civic polity founded on "popular" (that-means-me!) sovereignty, all pointed toward an idea of the citizen that had an aggressive, liberating character, pushing to extend to the very periphery of the universal (p. 70)."

In fact, it was only when the major legislation of the sixties was introduced that the equal rights underlying national identity were extended to all Americans. But to what extent are they really shared by all?

"If to be an Indian or a black or a woman is in some significant sense not to be an American as defined by the American story, what can it possibly mean to be an American? If wealth and class continue to divide Americans and the oppressions of race, religion, and gender are at best whitewashed by the rationalizing niceties of the Constitution, how different from Europe is America?" (p. 64).

Thus Barber is very aware of the situation of those who are excluded from the great American ideal and he takes heed of the critics who regularly adduce evidence to show that a large number of Americans do not share that "common" identity. Progressive historians and social critics have helped in large measure to expose the non-universality of the national identity model, and particularly the fact that it excludes blacks (see Hacker, 1992; Glazer, 1998) and a large percentage of immigrants and new citizens of Latin American origin trapped in the poverty-stricken "barrios" of major American cities (Suro, 1998). Economic inequalities have created many exceptions belying the ideal of a common identity. Barber brings out the paradox objectively but adds that expressions of national identity do exist. To state otherwise would be to paint a false picture:

"Yet to portray America in exceptionalist imagery [by emphasizing the great founding principles) is not to insist on its immunity to contradiction or to the corruptions of its actual historical practice. It is only to say that in helping to disguise class biases, the story of an exc. tionalist nation identified by its common ideals rather than its plural origins may have also helped it overcome them, at least in part. By boasting of their country's openness, Americans were hard-pressed to keep it as closed as some might have wished. To be sure, the language of universal citizenship as the common denominator of Americanism, especially as conveyed in the rhetoric of the Constitution, is contradicted everywhere and in every American epoch by prejudice, discrimination, exclusion, inequality, and economic exploitation. Yet the use of a radically nonexclusionary language anchored in universalist rhetoric - men are born equal, we the people, equality of rights - helped many groups originally excluded from the social compact preserve their hope and thus enabled them to mobilize political institutions that in time helped them win genuine suffrage"(p. 65).

The founding principles and the fundamental values of the Constitution and its amendments are what makes up American national identity, which is "rooted in principled liberty..." (Barber, p. 46). Quoting

Supreme Court justices, Barber insists that these values are at the heart of the American identity. The first is freedom, freedom from a European past, freedom from religious and cultural constraints and a whole social hierarchy based on blood lines, etc. It is therefore essential to keep a specific place for a component of this type in a conceptual framework for citizenship so that it can be isolated and differentiated from the ethnic and cultural aspects of national identity. It should be given its own place even though authors emphasize that national identity is not shared equally by all members of society. Membership in specific ethnic and social groups is at issue here. Accordingly, after we have identified national identity as an aspect of citizenship, we must turn to another macroconcept in the conceptual framework "social and ethnocultural membership" to see how the different groups in American society are experiencing the ideals of liberty and equality.

But before doing so, we must flesh out the definition of national identity with other subordinate concepts required to pinpoint what is specific to the American national identity. However widely shared they may be, common values do not in and of themselves make up a specific national identity. Claims that national identity can be based on the values of a civic culture alone do not stand up to close scrutiny, as Norman (1995) has pointed out. Thus it quickly becomes apparent to anyone following the current U.S. debate on citizenship that other significant dimensions are being considered. Civic culture is the lynchpin, but it certainly does not reflect identity in its entirety. National identity defined by a shared civic culture is an essential component of American citizenship, but there are other concepts that also help us grasp the full complexity of American identity. Yet the values of civic culture are still at the top of the hierarchy of components of national identity, as is clearly brought out in the following quote by Justice Louis D. Brandeis on what it means for an immigrant to become an American:

"It manifests itself, in a superficial way, when the immigrant adopts the clothes, the manners, and the customs generally prevailing here. Far more important is the manifestation presented when he substitutes for his mother tongue the English language as the common medium of speech. But the adoption of our language, manners, and customs is only a small part of the process. To become Americanized the change wrought must be fundamental. However great his outward conformity, the immigrant is not Americanized unless his interests and affections have become deeply rooted here. And we properly demand of the immigrant even more than this. He must be brought into complete harmony with our ideals and aspirations, and cooperate with us for their attainment. Only when this has been done will he possess the national consciousness of an American (quoted by Miller, p. 53).

J. L. Miller (1998) is a strong defender of the ideology of Americanization, which we will discuss in our examination of the U.S. debate on citizenship in the second part of our document. Miller defines American identity in terms of that ideology:

"Americanization has succeeded historically because Americans confidently have asserted themselves as a people who stand for a certain set of principles outlined in their nation's founding documents. They have understood that they can share their national identity with immigrants, but that before it can happen immigrants must assimilate into the American way of life. Unlike today, there used to be very little squeamishness about what a phrase like the American way of life meant. At bottom, it meant attachment to the Founders' ideas about equality, liberty, and government. In practical terms, this meant that immigrants in the United States should live by its laws, lead productive lives, learn English, become citizens, and, somewhere along the way, dedicate themselves to the uniquely American proposition" (Miller, 1998, p. 239).

For an author like Miller, who believes that immigrants should be integrated as quickly as possible, civic culture is still the basis of identity. Note that he makes no reference to specific features of any ethnic culture, including Anglo-Saxon culture. The other components that he proposes are also part of a shared public culture that is compatible with membership in distinct cultural groups.

We will now examine other components of national identity, ones that serve to define the more distinctive characteristics of the American identity.

1.2 Societal culture

A number of analysts (Bader, 1996; De Wachter, 1998) argue that the national identity of a country cannot be based solely on an abstract notion of civic culture limited to a statement of principles. Accordingly, in our attempt to define national identity as a component of citizenship, we must delve beneath the principles of civic culture and look for the ethnic, differentiating roots of specific communities:

"It is impossible and undesirable that a state should want to realize its integration primarily around political principles. Impossible, because a merely moral assent to political principles generates insufficient loyalty and civil virtue. Undesirable, because a political unity which exhibits no real connection with the concrete socio-cultural life of the society is external to that life, is something which is forced upon it, and is in a certain sense oppressive and undemocratic. (...) What this ideology comes down to is that political connections must not be considered abstractly or apart from the factual or quasi-spontaneous connections which are already present in the society. The political community offers sufficient binding only when it is based upon a shared cultural life-world, and this cultural life-world is only liveable (that is, effective in the exchange of meanings) if it is embodied politically" (De Wachter, 1998, p. 205).

Even D. Schnapper (1998) has now dropped the distinction between civic nation and ethnic nation that she advocated not so long ago in her work *La France de l'Intégration* (Schnapper, 1991).

Bader conducts an in-depth examination of whether American society can be considered a civic society without a dominant ethnic component:

"The dominant ideologies in the history of the United States and Canada both have been opposed to the ethno-nationalist models in Europe. The U.S. American "Melting Pot" was supposed to integrate immigrants from various ethnic and national backgrounds into an ascriptively neutral, civic (rule of law and civic rights) and republican (democracy) political community, respecting if not promoting their ethnic cultures, identities, networks and organizations. More than a century of social movements and criticism have demonstrated that the "pot" into which everybody was supposed to melt was White, Anglo-Saxon, Protestant, Male. American nationhood could not live up to that ideal of neutrality" (Bader, 1996, p. 6).

Bader's intention is not to diminish the importance of civic culture, which is still very much at the forefront of American thinking, as we have seen. On the contrary, he emphasizes its importance in supporting minorities as they struggle for recognition and equality in American society. Indeed, the events of the last forty years in the U.S.A. have clearly shown that what Bader calls the utopia or myth of "colorblindness" and ethnic neutrality, as enshrined in the American Constitution, has been the main driving force for progress toward equal rights for minorities, elimination of discrimination, and receptiveness to diversity. In fact, Bader's thesis is that constitutional principles are not the only components of national identity; there is necessarily a distinct sociocultural component, which he calls "ethnic" but which he does not apply to a minority in this case. Kymlicka (1998) too lends considerable weight to the sociocultural dimension in his analysis of the relationships between national minorities and society at large in Canada. It was he who coined the term "societal culture," probably in an attempt to circumscribe the use of the term "ethnic." He too emphasizes this dimension of identity.

A liberal democracy is always rooted in a specific context that differentiates it from other democracies, and this is what forms its societal culture. According to Bader, the operations of institutions in a democracy take on certain national traits that make it possible to differentiate among democratic societies. This dimension of citizenship is factored into our conceptual framework as part of the macroconcept of civil and political participation: styles of participation, both civil and political, are an important part of citizenship. It is essential to examine to what degree national identity embodies a set of characteristics of a dominant ethnic culture assuming the role of a societal culture.

- *Official language(s)*

Language is naturally an unmistakable dimension of the national identity of a society. It is clearly asserted to be a marker of the American national identity, especially by those who fear the supposed

invasion of foreign languages, primarily Spanish. English may be a language of international communication, but it is also the national language of the United States.

The need to give English status as the official, common language in the United States is being emphasized more and more as the population with Spanish as a mother tongue and first language increases. Twenty-three states have made English the official language. It is clearly a major feature of national identity, as shown by the weight that the advocates of Americanization lend to it (Miller, 1998).

- *Institutional standards*

What specific features of the American national identity would reflect societal culture? A specific farming or production method? National music? No. Definitely not. The U.S.A. is the epitome of diversity and innovation in this respect. A model of Anglo-Saxon culture? To what extent is the 'WASP identity' part of the national identity?

It is a matter of record that the dominant paradigm in American culture is the WASP one (Bader, p. 50). At the same time, everybody knows that the shared cultural model is not only of Anglo-Saxon origin. Taking a sociocultural approach, Fuchs (1990) uses the image of the kaleidoscope to characterize the American national identity. American diversity is totally subsumed under national identity:

"By Michael Walzer's definition, to be an American, if it means anything at all, is to recognize and tolerate this pluralism of roots and identities. Yet, ironically, it is precisely this tolerance for diversity and openness to difference that constitutes the common ground of American citizenship " (Barber, 1992, p. 50).

The American motto *E pluribus unum* conveys the very same message.

Presenting national identity as a unifying force in the United States does not mean that one is ignoring diversity but that one is endeavouring to identify what features, including diversity, ensure to some degree a uniform representation of the American citizen. National identity is not a kaleidoscopic montage of all religions in the U.S.A. Ever since its foundation, the American government has been strictly neutral on religious matters, and this is a characteristic of civic culture. However, it would be wrong to think that American society does not have a common societal culture that is characteristic of the national identity. To characterize this dimension of national identity, societal culture does not have to be related only to the specific culture of a given ethnic group, even if it is the majority, dominant group. What is required is an acceptance that, as in other societies, a distinct societal culture specific to American society exists.

"Every society has a distinct culture and history, and structures its time and space in specific ways. Neither all units of time, be they hours, days, weeks, months or years, nor all units of space, be they streets, buildings, towns, or lands, are or ever can be culturally neutral. They are suffused with deep meanings and carry different kinds and degrees of moral and emotional significance. No society can therefore totally avoid being biased against some of the practices of, and thus discriminating against, its cultural minorities. Its identity limits its capacity of fairness, and to ask it to be indiscriminately tolerant in the name of fairness to minorities is to be unfair to it. If our concept of fairness does not take into account the demands of communal identity, it becomes abstract, impracticable, politically irrelevant, and a source of much avoidable guilt" (Parekh, 1995: 8; quoted by Bader, 1996, p. 27).

Thus, the distinct culture of a society has to be included in the macroconcept of national identity. But a conceptual framework of citizenship does not factor in all aspects of that culture. It incorporates only those that really are shared by all and are generally recognized as being markers of the community's identity.

In a liberal society based on diversity, the items to be included in a list of shared aspects may vary with each observer's viewpoint. The universality of the items is also an issue. What is important for our present purposes is that, in the opinion of all the experts, such a list must exist. Bader proposes a list of items. They include (1) festivals and other national holidays, e.g. the Fourth of July and Thanksgiving in late November; (2) national uniforms worn by police forces and the army, and other uniforms designating

a specific function. One has only to consider the controversy caused when someone asks to be exempted from wearing a uniform to understand the role of uniforms in the national identity. Opponents of exemptions always claim that they are an affront to one of society's cherished symbols. Public life is replete with anthems, flags, public monuments and national ceremonies. Public places and buildings are built in a national, but not necessarily uniform, style. Bader also includes in his list specific standards relating to the operation and management of institutions, and he focuses on educational institutions. Common minimum standards on matters such as timetables, regulations and teaching practices are highly characteristic of American education. The list should be extended to encompass all common institutions, such as financial institutions, government services and so on. Aspects will not be perfectly uniform; there may be variations. But if those variations are recognized and accepted, it means that they are part of the national identity. Should sports, Hollywood, and other hallmarks of the American scene be added to the list? According to Barber (1992, p. 51),

"What citizenship cannot do to homogenize immigrants has often been done by America's pervasive commercial culture. If to be American is not quite captured by subscription to the liberal's political principles, it seems quite well encompassed by Hollywood, Madison Avenue, Television City, and Disneyland, where the images that define America throughout the world are invented and distributed by men and women like Sam Goldwyn, themselves often first-generation immigrants" (p. 51-52).

Barber adds that, even though the majority in American society is no longer of European stock, but is gradually becoming black, Asian and Latin American, American society will remain remarkably homogeneous as long as its citizens continue to vote, shop, go to the movies and watch television together (p. 52). What better illustration of how significant a part of national identity mass culture is? The list of items actually belonging to mass culture may be a long one and they may be difficult to characterize and may even be debatable, but the experts apparently harbour no reservations about considering mass culture as a component of national identity.

To what extent is societal culture related to citizenship? While citizenship as an abstraction does not in itself suffice and while citizenship cannot be limited to strictly political matters, aspects of societal culture are important because they concern a specific feature of citizenship 'togetherness'. Being members of the same nation is not just a matter of obeying the specific underlying values and principles of that nation. Many signs of membership in a nation reflect a different feature, that of a common culture. The cultural characteristics of institutions clearly play a significant role in regulating the way citizens behave in public life.

1.3 Heritage

Heritage is a major concept in the conceptual framework that we are using to characterize citizenship. It comprises four subordinate concepts.

- *Nature*

The natural geography of a country and what man has done to it for resource exploitation and recreational purposes are usually considered an invaluable part of heritage, and the evidence suggests that this is indeed the case. It may therefore seem relatively easy to characterize this aspect of a country's heritage simply by referring to clearly identified physical sites. However, the place of nature in a common national identity is less clear. It is reasonable to suppose that citizens' shared appreciation of a natural scene or site helps to forge or strengthen ties between citizens. It is no doubt the case locally, but in a country as large as the United States, are there any natural scenes or sites that are truly part of a heritage shared by all citizens? It is certainly possible, but as yet there is no research to help us examine the question in depth.

- *History*

The revision of American history that has been ongoing since the beginning of the nineties and the stormy debate surrounding it give us ample evidence of the importance of history as a component of national identity. Arthur M. Schlesinger, Jr. expresses the point with great conviction:

"Above all, history can give a sense of national identity. We don't have to believe that our values are absolutely better than the next fellow's or the next country's, but we have no doubt that they are better for us, reared as we are - and are worth living and dying for. For our values are not matters of whim and happenstance. History has given them to us. They are anchored in our national experience, in our great national documents, in our national heroes, in our folkways, traditions and standards [...]" (1991, p. 82).

What must history be made up of in order to carry out this illustrious role? Must it convey a unified vision of ancestors and past events? Schlesinger's answer is clear. American history must reflect all the complexity and diversity of American society, but it must also bring out the forces that unite it:

"Let us by all means teach black history, African history, women's history, Hispanic history, Asian history. But let us teach these subjects as history, not as filiopietistic commemoration. The purpose of history is to promote not group self-esteem, but understanding of the world and the past, dispassionate analysis, judgment, perspective, respect for divergent cultures and traditions, and unflinching protection for those unifying ideas of tolerance, democracy, and human rights that make free historical inquiry possible" (p. 55).

Schlesinger is reacting here against the movement that over the last ten years has been attacking the way American history is taught. His position is that all young Americans must learn the same history, the one outlined above. He opposes a balkanization of history teaching through which each group would learn a particular version of history that would be written to promote the group's identity in isolation from the others. History must enable everyone to understand not only the complexity of the whole society but also the underpinnings of the unity underlying that complexity.

The debates on the teaching of history and social studies generated by the multiculturalism movement and the many reactions to it have led to changes in the monolithic vision of American history conveyed by its teachers, a vision based on a deep-seated Eurocentrism and concealment of the contribution of minorities and even of women (see Glazer, 1998). Clearly, the revision of history that people are calling for affects a vision of the American national identity that has prevailed for a long time. It is an identity reflected in a history that portrays Anglo-Saxons in the best light and always at the forefront of events by hiding other groups. This vision of history reflects a desire to portray American identity as an Anglo-Saxon one. The multiculturalism movement contests this portrayal and the people who were very comfortable with the Anglo-Saxon representation of identity now have to share history with a large number of new partners. At the same time, people who could not see themselves in American history, and felt estranged from a national identity modelled on the Anglo-Saxon portrayal, can now see themselves in it.

Glazer (1998) bases his latest book on his experiences working on a committee established by the New York State education commissioner to review history teaching. He focusses on the multiculturalism movement and its influence on education. The book is a reference tool for information on changes made to the teaching of history and social studies in response to the demands of the multiculturalism movement. While he is not particularly enthusiastic about the new trend, Glazer is realistic enough to accept that the portrayal of American history and society from a variety of perspectives is a definite step forward for education. "Difficult as it is to implement them at the lower grades, and indeed in high school, we cannot escape 'multiple perspectives'. Students will raise them, even if the teachers and textbooks don't" (Glazer, 1998, p. 41).

Glazer takes up a key concern about the impact of an educational approach reflecting the diversity of American society on the unity and cohesion of that society. This concern is voiced everywhere in reaction to multiculturalism's influence on education, and it clearly shows how important a dimension of national identity the representation of society in education, and particularly in history and social studies curricula, is. Glazer's reaction is a qualified one:

"I do not dismiss fears that a necessary degree of national cohesiveness would be threatened as a result of some kinds of multicultural education. But some of the dominant trends in multicultural education - for example those that emphasize the contributions of various ethnic groups - should not have this effect,

and might well strengthen national loyalty. If the emphasis moves to oppression, discrimination, grievance, certainly the effects could well undermine national unity" (p. 45).

California's revision of the social studies curriculum is a case where the teaching of American history and society is closely tied to national identity. According to the state government's revised curriculum framework, the primary goal of teaching these subjects is "Democratic Understanding and Civic Values" and the first specification listed under that goal is "National Identity" (Glazer, 1998, p. 63). Glazer quotes a definition of national identity given in the same document:

"To understand this nation's identity, students must: Recognize that American identity is now and has always been pluralistic and multicultural. From the first encounter between indigenous peoples and exploring Europeans, the inhabitants of the North American continent have represented a variety of races, religions, languages, and ethnic and racial groups. With the passage of time, the United States has grown increasingly diverse in its social and cultural composition. Yet, even as our people have become increasingly diverse, there is broad recognition we are one people. Whatever our origins, we are all Americans" (quoted by Glazer, 1998, p. 63).

Here Glazer is reflecting the paradox identified by Barber: if diversity is recognized and celebrated, it is a guarantee of unity. He is also echoing Charles Taylor's concept of "deep diversity" (Kymlicka, 1995). Note, however, that the process has been a very slow one. The task of revising American history did not really get under way until the early nineties, it has been fraught with conflict, and historical errors have been made. Nevertheless, the need for changes of the kind that are now being made is generally accepted:

"The California story is worth pondering for at least two reasons. The first is that even the most balanced and professional effort to define a curriculum for students in American schools today will place a heavy emphasis on multiplicity and diversity, race and ethnicity. That is our reality today. (...) And a second reason the story is exemplary is this: Whatever efforts we make to include all the strands that constitute American society, we will not, in the present state of affairs, avoid conflict altogether.(...) Achieving consensus on textbooks in history is not easy "(Glazer, p. 65).

The *New York Review of Books* (issue of June 11, 1998) published an article in which the author, Alexander Stille, critically reviews no fewer than six American history textbooks from major American publishing companies. The title of the article reflects Stille's basic opinion of the revised textbooks: "The Betrayal of History." Reacting to the general frame of reference used by New York and California, he exposes a broad range of errors in the new books, errors that make him uneasy about the changes underway.

Another of history's significant contributions to national identity lies in the abiding contradiction between what history tells Americans and the nation's ideals (equality of rights and democracy). The American identity is composed of continual self-criticism concerning this contradiction: *"Few nations have had histories more racist than America's; even fewer have so resolutely held those histories up to critical self-scrutiny in the name of the standards history violates*" (Barber, 1992). Thus the most authentic history possible contributes to national identity in another way, by generating self-criticism through portrayal of the many violations of a national identity that is supposed to be based primarily on equality.

1.4 Patriotism, allegiance

Where should allegiance be placed in the conceptual framework? Ideally, it should be part of the macroconcept of national identity because citizenship is always associated with a certain type of identification with national identity. It is impossible to discuss nationality without considering identification with a national identity. However, it is essential to define our terms precisely, because there are different forms of identification with national identity. In the United States there is always a strong tendency to associate nationality, i.e citizenship, with national identity, which is basically defined by civic culture. The type of identification advocated is one of voluntary pluralism with full enjoyment of the individual rights defined in the Constitution. Thus citizenship entails certain obligations in respect of national identity.

This seems to be the meaning of the present wording of the oath of allegiance that immigrants have to take at citizenship ceremonies. The traditional wording of the oath includes the following commitments:

" *I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God. In acknowledgement whereof I have hereunto affixed my signature* ".

The current wording of the oath is being revised. It will no doubt be simplified but, judging from the recommendations that have been made, the key components will remain: allegiance to the United States before any other nation; commitment to abide by the Constitution (Becoming American/America Becoming. Duke University Workshop on Immigration and Citizenship Final Report, Durham, NC).

2. Social, cultural and supranational belonging

The characterization of citizenship in terms of identity cannot be based only on the macroconcept of national identity. For a conceptual framework to help bring out all aspects of citizenship, it cannot just account for the social tensions involving identity. It needs to incorporate another macroconcept to account for such tensions, which are forms of attack on both identities and inequalities. The second macroconcept comprises the broad range of types of ethnocultural, social and national membership and is required to account for the many different ways of exercising citizenship. Within the framework, it lies on the same axis as national identity, thereby serving to encourage a very close examination of the links between specific identities and national identity.

2.1 Poles of belongings

The American identity has always been able to retain its predominance without eliminating the specific types of membership claimed by American citizens. Fuchs (1990) shows that ethnic diversity is celebrated in the U.S.A. "as a feature of American national unity" (p. 363). To gain a real grasp of ethnic diversity, we must distinguish between four components: Americans of European stock whose ancestors arrived a long time ago; black Americans and members of more recently arrived Latin-American and Asian groups; and, of course, the Anglo-Saxon majority. The key question is from what perspective reference is made to a distinct ethnic identity as part of citizenship and what the implications of the reference are. On what specific aspects does membership in a particular group have an impact? This is obviously a complex question, because the answer differs considerably from group to group. It is also the subject of a stormy national debate in the USA, because the issue of ethnocultural diversity has not been losing ground but has actually been gaining in importance over the last ten years.

- *National minorities*

No group in the United States enjoys the status of national minority as defined by Kymlicka (1998). The only community that could have claimed such status is the one that inhabited the territory won from Mexico (modern-day Texas and New Mexico), but it is clearly understood that it is not recognized as a national minority and cannot really claim such a status.

Indians born in the United States have been recognized as citizens since 1924. They may choose to live with their tribe or to live in the towns and cities. Up to 1975, under the Self-Determination Act, the U.S. government gradually delegated to Indians responsibility for managing federal programs for Indian communities. However, the consent of federal representatives is still required for decisions by Indian managers to be acted upon. Fuchs (1990) calls this arrangement "tribal pluralism":

"The Self-Determination Act of 1975 did not create sovereign entities within the U.S. called Indian tribes. But it did call for "maximum Indian participation in the direction of educational as well as other federal services to Indian communities," and for "an orderly transition from federal domination of programs for and services to Indians to effective and meaningful {Indian} participation in those programs and services." Many Indians and non-Indians believed that the Self-Determination Act did not go far enough. In 1987, Interior Secretary Hodel argued before Congress that the Bureau of Indian Affairs still retained too much paternalistic power and that responsibility for developing and managing programs for Indians should be dispersed among the nation's over four hundred Indian tribes...)" (p. 221).

Fuchs goes on to state clearly that the type of identity relationship Indians have with their nation of citizenship is not necessarily one of conflict, that it can be similar to the ones maintained by ethnic groups, but that it remains different from immigrants' relationship:

"For an increasing number of Indians in the 1980s, tribal pluralism was becoming a kind of voluntary cultural pluralism combined with those special characteristics Indians on reservations possessed as members of internal, domestic nations within the larger nation. The new tribal pluralism meant that they could be participants in the civic culture, too, if they chose, in ways which they now felt were not incompatible with their tribal loyalties. The process of ethnic-Americanization for Native Americans was under way, but it was different from that of immigrant-ethnic groups and of African-Americans, since it had to be accommodated to their unique history and the special claims that derived from that history. It was also affected by a legacy that left Native Americans, more than any other group, estranged from the dominant culture and suffering from the many disabilities of persistent poverty" (p. 224).

- *Cultural and religious minorities*

- *Americans of European stock*

Historians of American society like Fuchs (1990) and outside observers like Lacome (1997) always emphasize the tendency for immigrants to live in their own ethnic communities throughout the second half of the nineteenth century and the early twentieth century, which were the two great periods of non-Anglo-Saxon European immigration to the United States. The new immigrants came primarily from Scotland, Ireland, Italy, the Netherlands and Germany and they joined their compatriots who were already living in specific areas of large cities, where they were often the majority group, and in certain states where they were clearly in the majority, as was the case of the Germans in Pennsylvania. In various ways, the formation of these communities helped immigrants to set down roots in American soil. For many years, right up to the First World War, ethnic enclaves made it possible to preserve the lifestyles of the countries of origin and above all enabled immigrants to get assistance from their compatriots in the struggle for jobs and housing and in the fight against the Anglo-Saxon majority's efforts to dominate all aspects of society. The waves of European immigration are now a thing of the distant past, but knowledge of that period of history is very important for an understanding of how American society was built.

The development of European ethnic communities and the preservation of a distinct group identity gradually faded during and after the First World War. In the fifties, observers and researchers rightly concluded that the process of Americanizing those groups was a complete success. Americanization mainly entails social and economic integration through individual success based on merit, hard work and ability. A trace of the ethnic communities is still evident, however, in the phenomenon of the "hyphenated American," which is always a shock for foreign observers, particularly those from France, for whom the notion of an "Italian Frenchman," for example, makes no sense whatsoever. Yet in the United States, the use of such a compound word to express social identity is a very widespread phenomenon. Identity denoted by membership in an ethnic group is legitimized by the civic culture, especially since the relatively abstract concept of American national identity does not cover social identity as a whole and leaves room for specific identities.

Basing one's identity on ethnicity no longer means that one wishes to isolate oneself in an ethnic enclave. For Barber, it does not mean that American society is composed of

"distinct tribes and peoples, a Nigeria or a Switzerland. No one expects the United States to follow the disunited ex-Soviet Union and the disintegrated Yugoslavia federation into anarchy. Among hyphenated Americans, the "American" suffix has rendered the "Japanese", or "German" or "Jewish" prefix fairly innocuous. Indeed, the prefix is often more the subject of a nostalgic quest than an emblem of a firm sociological identity. Walzer seems to suggest that there is a certain equity between the terms on either side of the hyphen, but this seems to me to be a considerable exaggeration" (1992, pp. 50-51).

Barber recognizes that there is no real consensus on the meaning of ethnic descriptives of this kind. But everyone understands that

"the use of hyphenated forms for American identity has never raised questions of civic loyalty [...] " (p. 51). "As it happens, the story of America has to account for a compound identity that mixes melting pot assimilationist imagery organized around a patriotism of the constitutional ideal with both a monocultural identity rooted in Anglo-Saxon Protestantism and a multicultural identity that is pluralistic and contradictory-not necessarily divisive, but much less unitary than the ideal Americanism conveyed by citizenship. To be an American is to be just a little bit schizophrenic, as the intrusive hyphen that defines so many Americans' pre-American roots makes evident" (p. 49).

Barber is trying to explain the precise importance of ethnic membership in the present context, about twenty years after analysts of American society had discovered that ethnic communities were once again on the rise in the United States (Friedman, 1970) following enforcement of the 1964 civil rights policy. Many high-profile intellectuals and academics noted the phenomenon (Glazer and Moynihan, 1963; Novak, 1972). The National Confederation of American Ethnic Groups,

"a Washington-based special interest claiming 67 affiliate organizations and 18.6 million individual members, demanded a larger piece of the public pie. Before long, white ethnic groups created a paradigm of oppression that mimicked the one used by blacks. Instead of the white establishment exploiting nonwhite minorities, however, they spoke of a WASP establishment exploiting white ethnics" (Miller, 1998, p. 110).

Regarding citizenship, the resurgence of ethnic identity basically became a force within civil society, and the main objectives included getting a share of the government's minority funding.

According to Miller (1998, p. 112), the new pluralism emerging during this period was never a mass movement springing from the people themselves but was nurtured by committed intellectuals: "*Ethnic identity was a real force in American life, but its power much diminished. Much of it was nostalgia*" (p. 112). Miller goes on to say:

"Sociologist Richard D. Alba noted in 1990 that "Insofar as ethnicity has a role, then, it is increasingly voluntary, dependent on deliberate actions of individuals to maintain activities and relationships that have ethnic character" (p. 114). Ethnic identity was becoming symbolic. That is, white people were more likely to feel ethnic than be ethnic. Intermarriage rates between the conglomeration of ethnic groups that composed the category of white people had been so high throughout the course of the 20th century that relatively few of them could meet the requirement of common ancestry that binds single ethnic groups together. By the 1980s, in fact, a majority of U.S.-born non-Hispanic whites were of ethnically mixed ancestry. Measured by almost any indicator-educational attainment, occupational mobility, English-language usage, residential patterns, and, of course, intermarriage - the assimilation of white ethnic groups was essentially complete" (p. 114).

Denis Lacorne, a French observer of American society, has endeavoured to understand how ethnicity fits into American citizenship. He sees the affirmation of ethnic identity as a definite part of the symbolism of identity, and he is surprised that it plays such a big part in the public arena within civil society. In his view, dual identity, national and ethnic, is an important distinguishing feature of American society (p. 345):

"The fact is that ethnic communities, with their distinctive characteristics, are a force in American society, and they often serve to bolster citizenship. This explains why the American civic tradition has never become an abstraction. Its originality lies in its syncretism, its extraordinary capacity for reconciling the abstract universality of the rule of law with vigorous, often provocative, expressions of ethnic membership (...) Where else in the world would people dare to do what the civic leaders of Chicago do every year on Saint Patrick's Day : colour the muddy waters of the city's river green in honour of the "homeland" of the most influential ethnic group in the city" (p. 345).

This striking example of how ethnic membership works is a judicious one: Lacorne selects a commemoration, which is a form of recognition of a symbolic identity. But it is not restricted to social events. It also plays an active role in politics through the ethnic vote, particularly at the municipal level:

"The U.S.A. is also a country of lobbies and the ethnic vote, so much so that, according to one of the most knowledgeable people on the subject of New York City, six words suffice to explain the historical development of municipal politics there: Catholics or Irish, Italians, Jews, Blacks, and Puerto Ricans."

This probably means that the fact that group interests coincide with ethnic subdivisions accounts in no small measure for the electoral decisions of citizens of a city like New York. Observers have not noted any signs of ethnic voting patterns nationally, because members of the various groups are melded together in the machinery of the Republican and Democratic parties.

- *African Americans*

The authors of recent studies note that the assimilation of immigrants of European stock into American society was partly successful. According to Glazer, *assimilation* is a term used to describe the situation of ethnic groups in the fifties and is no longer appropriate. A better term is *cultural pluralism*, to be understood not as a coercive, all-encompassing force, as Horace Kallen proposes, but as a voluntary commitment. It is closely tied to civic culture and implies that specific identities do not preclude a share of national identity. The expression of specific identities does not run counter to the values of civic culture and the American way of life. However, the expression of cultural pluralism cannot be used to denote the relationship of African, or black, Americans, with American society. *Multiculturalism* is the best term in their case (Glazer, 1998, pp. 96-97).

Glazer devotes an entire chapter to his thesis that, in the debate over assimilation, African Americans have systematically and constantly not been targeted. The advocates of an American society that aggressively absorbs new arrivals dominated the debate throughout the early twentieth century, and European immigrants were virtually their only targets. Blacks, says Glazer, were left out of the assimilation debate and process. While the assimilationists and Americanizers were solely concerned with ensuring that European immigrants became as American as they themselves were, African Americans continued to be, and still are, a group apart. Residential segregation, inevitably followed by a concentration of black children in specific schools, was a dramatic indication of this separateness:

This sharp separation of whites and blacks residentially could be observed in most American cities in the 1950s and '60s and had been documented statistically in research. It was already under attack in the 1960s and '70s by a variety of new federal policies, legislative, administrative, and judicial (p. 123).

In the seventies, Glazer recalls, he himself believed that extending all these measures was unnecessary and he predicted that segregation would eventually disappear and that blacks would integrate:

"Blacks would become residentially more integrated with whites as their economic circumstances improved, as their political power increases, and as they drew closer in all other respects to whites. And we could expect this to happen as a result of the powerful antidiscrimination legislation of 1964 and 1965" (p. 123).

He now admits that his prediction was wrong: *"Whatever the changes that have occurred in the black condition since that time, in this one respect - the degree of concentration of blacks in specific areas of*

cities and some selected suburbs, and the residential isolation of blacks in general - there has been little change in twenty years" (p. 123).

Change has been insignificant, in spite of the many pieces of federal legislation that prohibit all forms of discrimination affecting access to property (p. 125):

"Of course, by some measures there has been continuous improvement in the condition of American blacks. The number elected to public offices has continued to increase, as has the percentage moving into white collar and managerial occupations. But on other fronts the expected improvements did not take place or showed the most minimal change. Among these were measures of residential and school integration" (p. 127).

For Glazer, the most important question is

"(...) why, thirty years after the great breakthrough in civil rights legislation, and despite the massive and revolutionary change in the attitudes of the American public, we are still, in some key respects, two nations" (p. 127).

He goes on to echo the "two nations" idea reflected in the title of Andrew Hacker's book (1992). Urban segregation is not restricted to black ghettos in the big cities; it is also to be found in the suburbs to which middle-class and upper-class African Americans are moving. On the subject of the suburbs, Hacker (1998) agrees with A. Wolfe's finding (1998): *"In most cases, the rise of a black middle class produces black middle-class suburbs distinct from white ones."* It is difficult to dispute this statement; some authors of recent publications seem to feel that the segregation is less pronounced, but the generalizations and interpretations on which their arguments are based are very debatable, to judge from Hacker's critical review of their works (1998).

Residential concentration leads to the concentration of black children in specific schools. The cause of the phenomenon can no longer be attributed to systematic discrimination, which the Supreme Court banned in its celebrated decision in *Brown vs Board of Education*; it is attributable to the fact that blacks clearly prefer a white educational environment for their children:

"As in the case of school busing, partially implemented, doubtfully successful, and now increasingly abandoned, government measures inspired by an ideal of fairness, equality, and integration cannot overcome the stubborn commitments of parents to what they consider best for their own children and neighborhood" (Glazer, 1997, p. 139).

In Glazer's opinion, the low rate of interracial marriage is significant too:

"According to data from the 1980 Census reported by Stanley Lieberson and Mary Waters, 98.7 percent of black native-born women marry other blacks. By comparison, in-marriage among women of Puerto Rican ancestry is 78.7 percent, and for Mexican American women it is 76 percent. For European groups, old and new, the figures are under 50 percent, generally far under. Black men, especially those outside the South, marry outside their group more often than do black women, and recent studies show a steady rise in outmarriage in the last few decades. But even with black male intermarriage rates outside the South of about 10 percent, the overall pattern is distinct and unique: Blacks, who are not an immigrant group (though a rising percentage are indeed recent immigrants), who have been resident on this soil for more generations than most white Americans, or Hispanic Americans or Asian Americans, are uniquely separated from other Americans by this measure of integration" (pp. 129-130).

The significance of segregation and isolation goes beyond demographics and geography. They are irrefutable expressions of a separate identity. After thirty years of unstinting efforts in the wake of the civil rights legislation, Glazer sees the survival, indeed the growth, of "black English" as a sign of the separate identity that blacks cultivate:

"A related phenomenon is the well-documented pattern in black ghetto schools of hostility to academic achievement; it is considered 'acting white'. Speaking the common English of the TV anchor would also be considered 'acting white'. These behaviors are undoubtedly spurred by ideological changes, by the shift in the attitudes of black leadership, and blacks generally, away from the assumption that blacks should act more like whites in order to progress toward the goal of assimilation. Instead we find support for various degrees of distinctiveness and difference, and the rise of a distinctive black identity in which the abandonment of linguistic distinctiveness may be seen as a form of group betrayal" (p. 136).

The multiculturalism movement offers the most dramatic expression of the blacks' desire to create a separate identity. The multiculturalism movement in education is a manifestation of what Glazer calls a "hard institutionalization of differences " (p. 149). The universality of American citizenship and civil rights was supposed to signal a victory over restrictions caused by race and ethnicity, but victory is no longer a certainty. The common bonds of shared citizenship and identity within the democratic "polity" hardly suffice to overcome the separateness of black communities. The reference to an inclusive "we" ("we the people") no longer applies to everyone. Instead of sharing a common identity while preserving the symbolism of group membership, blacks are turning to an African-American identity as a replacement for an American identity from which they have been shut out for such a long time.

Glazer brings out the relationship between the multiculturalism movement and the development of a distinct African American identity: *"I think that a new process of self-definition is occurring among black Americans, but I say this with no great assurance. Perhaps I am too impressed by the more militant leaders and group advocates."* The multiculturalism movement's attacks on the teaching of history lie at the heart of the process. As Terrie Epstein (quoted by Glazer, p. 52) points out, blacks and whites do not consider the same historical events to be significant:

"The African-American students ...experienced a discontinuity in the historical perspective they learned about at home and through alternative media programs, which resulted in skepticism and distrust of the history textbook...[They] also reported that their trust in teachers depended on the racial identity of the teacher and/or on the content and perspectives from which a teacher presented history."

The multiculturalism movement has not limited its activities to education, although this field has a very direct bearing on identity issues. Over time, the legislation enacted in the sixties (Civil Rights Act, Voting Rights Act, Immigration Reform Act) affected very important aspects of citizenship related to civil rights and participation. We will examine these aspects when we consider how membership in the black community affects rights and participation. We will find that membership in a specific group in the case of blacks is a phenomenon that must be factored into our characterization of American citizenship.

- *Latin American and Asian immigration*

The most recent wave of immigration is from Latin America and Asia and it is still going on. It is and will be an important fact of American life.

"No other democracy has ever experienced an uninterrupted wave of migration that has lasted as long and that has involved as many people as the recent movement of Spanish-speaking people to the United States. Twelve million foreign-born Latinos live here. The Hispanic population will grow at least three times faster than the population as a whole for several decades, and Latinos will become the nation's largest minority group, surpassing the size of the black population a few years after the turn of the century. Despite some differences among them, Latinos constitute a distinctive linguistic and cultural group, and no single group has ever dominated a prolonged wave of immigration the way Latinos have for thirty years. By contrast, Asians, the other large category of immigrants, come from nations as diverse as India and Korea, and although the Latino community is hardly monolithic, the Asian influx represents a much greater variety of cultures, languages, and economic experiences (...) The 6.7 million Mexican immigrants living in the United States in 1996 made up 27 percent of the entire foreign-born population, and they outnumbered the entire Asian immigrant population by more than 2 million people. Latinos are hardly the only immigrants coming to the United States in the 1990s, but they will define this era of immigration, and this country's response to them will shape its response to all immigrants" (Suro, 1998, p. 6).

This long excerpt is from Roberto Suro's book *Strangers Among Us: How Latino Immigration Is Transforming America*. The title itself indicates how important Latino immigration is for American society. To do justice to Suro's excellent study of the various Latin American groups, we would have to examine each group of immigrants and new citizens separately, as the author has done: Cubans, Puerto Ricans, Mexicans, etc. Since such extensive treatment requires more than a few paragraphs, we will just present Suro's overall finding, focussing on the facts that are relevant to our characterization of citizenship.

Suro's overall finding, which in fact is presented in the introductory chapter of the book, is that Latin American immigrants behave in much the same way as the immigrants who came from Europe in the nineteenth and early twentieth centuries:

"Latinos, like most other immigrants, tend to cluster together. Their enclaves are the barrios, a Spanish word for neighborhoods that has become part of English usage because barrios have become such a common part of every American city. Most barrios, however, remain a place apart, where Latinos live separated from others by custom, language, and preference. They are surrounded by a city but are not part of it" (Suro, 1998, p. 6).

Their situation is not comparable to that of blacks. Glazer is intent on dispelling the notion that the situation of blacks is comparable to that of immigrants. Using residential segregation and intermarriage as indicators, he draws some very sharp distinctions:

"Is this the same pattern we find for other minority groups; is it a general "minority pattern"? As in the case of intermarriage, it is not: The high level of segregation experienced by blacks today is [...] unique compared with the experience of other large minority groups, such as Hispanics and Asians. Black residential isolation is as out of line compared with Asian or Hispanic patterns as is black intermarriage" (p. 131).

More precise data show that Latino isolation is not the same as black isolation:

"The intermarriage rates for Asian and Hispanic groups, large percentages of whom are recent immigrants who we would expect to be most deeply rooted within their group in language, custom and culture, are also surprisingly high. Various studies show current intermarriage rates of 30 percent or higher for the past twenty years" (Glazer, 1997, p. 129).

Thus the history of Latin American immigrants should not be interpreted as a replica of black history, and Suro steers us away from such a reading by examining political participation:

"African-Americans traveled an even greater distance to achieve levels of material and political success unthinkable fifty years ago, but as a racial group, they remain juxtaposed to the white majority. Blacks have formally become part of the body politic, but they remain aggrieved plaintiffs. Latino immigrants lack both the historical standing and the just cause to win their place by way of struggle and petition. And these newcomers are not likely to forge an alliance with blacks, but instead, these two groups are already becoming rivals" (Suro, p. 8).

Blacks and Latinos are rivals for blue-collar jobs, which are less plentiful in today's economy:

"Like all other newcomers, Latino immigrants arrive as blank slates on which their future course has yet to be written. They are moving toward that future in many directions at once, not en masse as a single cohesive group. Some remain very Latino; others become very American. Their skin comes in many different colors and shades, some are black, and some of them can pass very readily as white. Most Latinos arrive poor, but they bring new energy to the labor force even as they multiply the ranks of the chronically poor "(Suro, 1998, p. 10).

Here Suro highlights two distinctive traits of the Hispanic immigrants: they are able to integrate quickly and fully into American society, because they are not very vulnerable to segregation, but the main obstacles preventing them from doing so are a low level of education and a high dropout rate or, in the case of second-generation Hispanics, a refusal to attend school at all:

"More than a third of the Latinos are younger than eighteen years old. This vast generation is growing faster than any other segment of the population. It is also failing faster. While dropout rates among Anglos and African-Americans steadily decline, they continue to rise among Latino immigrants, and mounting evidence suggests that many who arrive in their teens simply never enter American schools at all (...)."

The percentage of Latinos born in the U.S.A. and attending high school, over 90%, is comparable to the figure for other Americans. However,

"Latino immigrants, especially from Mexico, were the only group lagging far behind, with less than 75 percent of the school-age teens getting any education. Only 62 percent of the Mexican immigrant seventeen-year-olds were in school, and these young people are the fuel of U.S. population growth into the twenty-first century" (Suro, 1998, p. 12).

The situation is not catastrophic for everyone:

"A considerable number of Latino immigrants have achieved middle-class stability and are unlikely to cause much concern. However, the real social, political, and economic challenges arising from immigration today are posed by those at the bottom [of the economic scale] and they are overwhelmingly Latinos (...) About a third of all recent Latino immigrants live below the official poverty line. More than a million and a half Mexicans who entered the country legally and illegally since 1980 - 43 percent of the total - were officially designated as poor in 1994. With little education and few skills, they have nowhere to start but low on the economic ladder, and in America today, people who start low tend to stay low and their children stay low as well unless they get an education (...) In 1996, the workforce participation rate for Latinos was higher than for blacks, indeed it was even higher than for whites, but Latinos also had the highest poverty rate of any group. Latinos suffer the poverty of the working poor" (pp. 14-15).

While not wishing to dramatize the situation, Suro nonetheless concludes that future integration of this large segment of American society is by no means certain:

"Unless new avenues of upward mobility open up for Latino immigrants and their children, the size of America's underclass will quickly double and in the course of a generation it will double again. That second generation will be different than the first. It will not only suffer the economic and political disenfranchisement that plagues poor blacks today but it will also be cut off from the American mainstream in even more profound and dangerous ways" (p. 15).

Suro's analysis shows how the failure of the Latino "underclass" in the barrios to integrate is a distinct problem. The Latino population is increasing rapidly: 9% of Americans were born abroad and most new immigrants are of Hispanic origin. The steady flow of legal and illegal immigrants is generating uncontrolled growth in this sector of the population. Racial discrimination is no longer the cause of Hispanics' failure to integrate, and civil rights and antidiscrimination legislation cannot help to improve their lot as it did for a large percentage of African-Americans. However, Americans' strong reaction against illegal immigration from the South, starting in the early nineties, has complicated matters in that any proposal to deal with the causes of non-integration is unpopular. Suro ventures to say that the backlash caused by high levels of Hispanic immigration, made higher still by illegal immigration, precludes a rational debate on the issue and an effective search for solutions:

"The most virulent expressions of the backlash emerged, not surprisingly, from Southern California, where the economic downturn for the early 1990s was most severe and where immigration was most intense. But every national poll showed that immigration caused widespread if not well-articulated anxieties" (p. 24).

The fact that Hispanic immigrants do not integrate into society naturally means that the communities in the barrios are shut off from the outside world. Immigrants have no choice but to maintain a distinct identity and to live in a separate culture. They are denied American identity not because of discrimination but because living conditions prevent them from gaining access to it. Hispanics live in their own, very

homogeneous ethnic communities in the barrios. Suro has studied some of the larger communities closely: the Dominicans in the Washington Heights district of New York, the Cubans in Miami, the Puerto Ricans on the Upper West Side of New York, the Mexicans in the Magnolia district of Houston and in East Los Angeles. The barrios are monoethnic, relatively self-contained economic enclaves that welcome new immigrants and provide a safe haven for illegal aliens, a fact that exposes them to increasing criticism. Spanish is the most commonly spoken language. The way of life in the culture of the homeland is replicated in the barrios. Since the introduction of the Bilingual Education Act in 1968 and the Supreme Court decision in *Lau vs Nichols*, which made it mandatory to provide some form of assistance to children whose first language is not English, it has been possible for children in the lower grades to be educated partly in Spanish. In practice, bilingual education has taken a variety forms, and this has certainly helped Spanish-speaking children to learn English without falling behind in school, because they have been taught the other subjects in Spanish. However, bilingual education has come under heavy attack as it shifted away from its initial role of providing a smooth transition from Spanish to English for Spanish-speaking children. In the opinion of opponents of bilingual education, its primary objective is now the preservation of Spanish as the basis of a distinct identity, at the expense of English. It is being increasingly blamed for slowing down and even jeopardizing the integration of young people into American society by preventing them from mastering English, a prerequisite for integration. Federal funding for bilingual education has been cut back considerably, and 61% of the electorate in California voted for Proposition 224, bringing an end to 30 years of bilingual education in the state. As always, other states will follow suit. Opposition to bilingual education is part of the backlash against Hispanic immigration:

"Federal funding for bilingual education now falls short of $200 million a year, less than half of what it was a decade ago, even though the number of students with limited ability to learn in English has skyrocketed. With the erosion of political and financial support for bilingual education, what remains is a residue of mistrust that now carries over to almost any public initiatives to assist or educate people who do not speak English" (Suro, 1998, p. 321).

The fact that bilingual education is being challenged is another illustration of the difficulty in designing and implementing rational proposals in a backlash climate. Nonetheless, bilingual education has not been completely undermined: effective services for teaching English to Hispanic children are fully available and can be provided as the need arises. For the target of all the criticism is not the need for a functional transition toward learning English but the perceived role of bilingual education as a means of keeping Spanish alive in the United States. The controversy has been raging for a few years now, and the results of bilingual education are under the microscope. It may be very difficult to defend it in light of the results it has achieved in turning children into English speakers (Miller, 1998).

Only a small percentage of people in the barrios become American citizens. It took the social security reform legislation of 1996, which severely restricted immigrants' access to the social security system, to generate a massive influx of citizenship applications: 3 million people applied for citizenship over a one-year period. Most Hispanics keep their ties with their country of origin and send money to family members there. In the Dominican Republic, the leading source of foreign currency, ahead of tourism and exports, is money from expatriates established in the U.S.A. They follow the political scene in their homeland much more closely than American politics and they keep the nationality of their country of origin.

- *Transnationality*

In the past dual nationality was never accepted in the United States. American history has shown in many dramatic ways that citizens' specific identities must not interfere with their overriding allegiance to the American nation. Now, however, more and more people have dual citizenship: "*The United States is likely to have more dual citizens now than ever before, for a mix of reasons, including increased immigration, marriage between individuals of different nationalities, advances in international communications and transportation, and changes in U.S. and other countries' laws. In particular, many of the principal countries of origin for immigrants now confer their citizenship on children born to their nationals in the United States and make it easier for their nationals to retain that nationality after they*

naturalize in the United States" (Duke University Workshop on Immigration and Citizenship, p. 22). New citizens make the oath of allegiance, but the U.S. government does not check whether forfeiture of citizenship has been officially recognized in the country of origin and it does not prevent "native-born citizens" from taking another nationality.

Thus dual or transnational citizenship is possible today. *"A transnational identity is a sense of ethnic kinship that knows no borders. This sentiment obviously has a place in the immigrant experience"* (Miller, 1998, p. 11). Many immigrants and new citizens from the Dominican Republic avail themselves of this option (Suro, 1998).

The increasing number of dual citizens has, of course, given rise to a debate. Some authors, though not ardent supporters of Americanization, do not approve of the fact that Latin Americans' first allegiance is to their country of origin: "*Rather than living the transient, transnational existence that has characterized the first thirty years of their migration, Latinos would be declaring themselves Americans on their way to making a new home* " (Suro, p. 318).

Immigration and citizenship experts vary in their opinions, as illustrated by this summary of the positions taken by participants in the Duke University Workshop: *"Many participants favored retaining the renunciation clause, but in discussions about accommodating or encouraging multiple loyalties, and on what new citizens should actually be asked to give up, opinions varied. Most participants acknowledged that, as a relatively new controversy, the debate over dual citizenship required a careful weighing of costs and benefits and greater clarity on the conceptual and practical issues involved*" (p. 22).

- *Sociological minorities*

They include young people, senior citizens, and other groups.

2.2 Relative importance of diversity

Throughout U.S. history, immigrants from a given European country have always tried to live in the same area: for example, the Germans in Pennsylvania, and the Italians and Irish in New York. Integration into American society started with integration into a group of immigrants from the same country. Today, significant concentrations of immigrants are not of European stock; they are composed of Latin Americans, forming communities with others from their country of origin, and blacks.

Geographic concentration is a major indicator of how citizenship is experienced. First, it is a clear sign of residential discrimination and urban segregation, as illustrated by the concentration of the black underclass in the downtown cores that have been deserted by whites and new businesses and the concentration of Latinos in the new barrios (Suro, 1998). It affects not only the disadvantaged but also suburban whites, who tend to leave districts into which wealthier blacks are moving (Glazer, 1998). Second, geographic concentration fosters political involvement and specifically the election of a candidate from the group concerned. Electoral boundaries are established precisely in order to enable members of an ethnic group to elect one of their own to public office. It is a procedure that has been used to ensure representation of the largest ethnic minorities. Miller (1998) places considerable weight on this phenomenon, examining both its benefits and its shortcomings.

3. Effective system of rights

The many links between the identity axis on the conceptual framework and the horizontal axis of macroconcepts, rights and participation are of particular interest.

3.1 Rights

This component of the framework includes the current system of rights, reflecting the major legislation of the sixties and the significant changes it brought to the previous system, under which blacks, women and immigrants from southern Europe and Asia suffered from many types of inequality. The sixties were a

watershed in that the fundamental values of American citizenship were thenceforth to be shared by all. The civil rights legislation in 1964 enshrined the equality of all Americans by making blacks citizens with full rights. Immigrants could obtain their naturalization papers whatever their origins, ethnic background, etc, might be.

- *Fundamental rights*

The rights recognized by the Constitution of the United States are individual rights. Collective rights are foreign to the American system. The purpose of the fight for civil rights was to defend individual rights. Nonetheless, enforcement of the civil rights legislation requires antidiscrimination and compensatory measures that apply only to black Americans and which therefore target individuals identified by their group characteristics, particularly racial ones. L . H. Fuchs clarifies the underlying intention of the measures:

"By 1989, the agreement on civil rights and pluralism was so widespread that virtually no dissent existed over the fundamentals of public policy concerning the protection of individual rights. (...) There was nevertheless widespread understanding that temporarily, in some settings, and for some purposes it was necessary to have race - or ethnic - conscious remedies in order to advance the rights of African-Americans and others. Advocates of race-conscious remedies did not argue their positions in terms of group rights, acknowledging that while individual rights could give rise to group claims, it was not permissible under the Constitution to advance those claims as a matter of right for any group except Native American Indians (and in more limited ways, ethnic Hawaiians, Aleuts, and Eskimos). While the unum had the responsibility to prevent and prosecute violations of individual rights, the pluribus had the responsibility to base group claims on individual rights" (pp. 381-382).

Fuchs uses language policy to illustrate the nature of the relationship between the pluribus, diversity, and decisions by public authorities in favour of the unum, or unity: "... *Americans took for granted that English was the language of public business, while acknowledging the right of individuals to express themselves in other languages in private relationships* " (p. 382). As long as it is restricted to the private use of other languages, this individual right is recognized by all. But when it is extended to bilingual education, use of other languages in polling booths, and government services in other languages, the issue has moved beyond the realm of private use. This is why the debate over these measures is still raging. The defenders of bilingualism demand the individual right to participate actively in public life and not to be disqualified from so doing because of weaker English skills. On the other hand, opponents of all forms of bilingualism contend that the measures do more than just protect individual rights. They are afraid that they will lead American society down the path toward recognition of *"language-group entitlements placing some groups on a different footing from others, and undermining both the principle of equal rights for all individuals and the common language of the civic culture*" (p. 383).

They are perceived as such a strong threat that so far 23 states have held referendums on the issue and established English as the only official language (Miller, 1998, p. 178). Miller describes the thinking behind this reaction: "No nation is complete without a culture, not even a nation that dedicates itself to a proposition. The English language is without question a vital part of American national culture. Once again, there is nothing intrinsically special about it - except that it is ours" (Miller, 1998, p. 177).

The abovementioned legislative measures are, however, consistent with the basic thrust of the language policy set in the wake of amendments to the Voting Rights Act:

"By 1975, the essential constitutional and legal requirements of language policy were clear. English could continue to be required for civil service examinations and for naturalization. They dealt with critical aspects of the civic culture - requirements for membership and national public service. The right to maintain one's ancestral language in essentially private associational activities, including the right to establish foreign-language schools and to conduct worship services in non-English languages, was completely protected. Now, the right of English-limited children to equal educational opportunity and of English-limited voters to equal access to the voting booth were protected by the law" (Fuchs, p. 460).

Thus as long as the purpose of government measures supporting use of languages other than English is to ensure the individual rights of persons "of limited English proficiency," they are considered to be in accordance with the Constitution. But when advocates of multiculturalism call for a measure such as bilingual education so that immigrant children can keep the Hispanic identity alive and well, what is at issue is a public investment for the benefit of a collective identity and the measure can be attacked on the basis of the fundamental principles of the Constitution themselves. These considerations were certainly in the minds of the 69% of California electors who voted for Proposition 227 to abolish bilingual education. Note, however, that it is not the only basis for political decisions on issues of such complexity. Miller (1998) devotes an entire chapter to an assessment of the effectiveness of bilingual education in achieving its original objective. He does not attack it only on the basis of his objection to collective rights; he attacks it above all because it makes Latino children learn English more slowly or prevents them from learning it, and English proficiency is the key to their integration into American society. He pits the unum against the pluribus, asserting the predominance of the American identity over a rival, the Hispanic identity.

Another interesting fact is that all the rights in the Constitution of the United States are coupled with a corresponding duty: for example, the right to bear arms is coupled with the duty to defend the country.

- *Political rights*

The only restriction on political rights is that an American must be born of American parents to run for public office. Thus while naturalized American citizens cannot run, their children can.

Since the Voting Rights Act of 1965, any discriminatory measure aimed at preventing the members of a given group from voting has been prohibited. The system that has been in force since then very clearly links three macroconcepts within the conceptual framework: political rights, ethnic membership, and political participation. According to Miller, the system "*essentially guarantees racial and ethnic groups - in current practice this means blacks and Hispanics - the right to live in congressional districts in which members of their group will make up a majority of eligible voters. This strategy of empowerment relies explicitly and totally on group rights, rather than the more traditional path of political Americanization and its theme of transcending the suffocating particularism of identity politics.*"

Miller objects to this state of affairs because, in his view, what has been established is a system of collective rights that is incompatible with the position of Americanizers, who advocate total conformity with the Constitution. His argument gets to the crux of the problem:

"It implicitly accepts the principle that in politics, only blacks can represent blacks, only Hispanics can represent Hispanics, and only Asians can represent Asians. The sinister corollary of this logic, of course, is that only whites can represent whites. Going further, the current regime of voting rights entitles some American citizens to receive election ballots and materials in non-English languages - even though naturalized citizens are supposed to have passed an English test. Finally, it insists that noncitizens - even illegal aliens - be counted in congressional reapportionment. In other words, when Congress parcels out its 435 seats in the House of Representatives to the states on the basis of their population, illegal aliens and American citizens carry equal weight in the distribution process. This creates a United Nations nation - a country made up of bickering factions divided by their race, ethnicity, and language" (p. 127).

Miller cannot accept that such measures are needed to provide a minimum level of representation for large segments of the population who, because of their situation, are unlikely to win political office in open competition. A number of people have won election, including Mayor Dinkins of New York, and this, in Miller's view, militates against taking the above measures. "*The United States strives to be (...) a place where race and ethnicity do not have an iron-fisted influence on political life, a place where common citizenship and the principles of which that citizenship is dedicated pull together Americans of all races, ethnicities, and religions* " (p. 127). As far as Miller is concerned, the need to abolish the current system is clear.

Glazer's position is more qualified. He too notes that multiculturalism is now a political factor:

"Two large groups, blacks and Hispanics, and some smaller groups, Asians and Native Americans, receive special protection under the Voting Rights Act, and this special protection has led, in the wake of the 1990 census, to the creation of fantastically shaped districts, in an effort to satisfy Justice Department requirements for districts with majorities of minorities sufficient to elect a minority representative. Multiculturalism raises its head in the inner life of political parties, particularly the Democratic Party, which has struggled now for decades with the rules governing minority-group representatives in national conventions" (Glazer, 1997, p. 80).

In local politics, every issue now has implications for one or more ethnic groups:

"What services should be cut? What voluntary agencies should provide them? What areas should lose firehouses or food-distribution centers? These issues are often cast starkly in black-white terms, but almost as commonly in black-white-Hispanic terms, and sometimes other groups are involved, such as Chinese in lower Manhattan seeking a district in which they might elect one of their own, or Hassidic Jews arguing for a greater allotment of public housing or more police protection. Are these "multicultural" issues? Certainly they concern groups with a specific cultural character, but the groups mobilize and make demands less to defend cultural values than to defend jobs, or representation, or entitlements, or property. But then it can be argued that jobs, representation, entitlements, and property do serve to protect cultural issues" (p. 80-81).

There is no doubt that ethnic groups' demands are based only partly on cultural issues. Other major issues are involved and they concern individual rights: equal access to property, access to public office, etc. According to Glazer, in the current American system of segregation, where issues quickly generate inter-group rivalry, it is accepted that individuals' demands turn into group demands. White supremacy is not threatened because the revision of electoral districts, which was completed in 1994, increased the number of Hispanic members of Congress to 17 from the 1992 figure of 10. It may be that, with more members who are familiar with the Hispanic situation, Congress as a whole will be better informed about it and will give greater consideration to Hispanics' individual rights.

However, the authorities who established the system no doubt had compelling reasons to do so, and the fact that the measures have not been overturned by the courts means that they may be interpreted as being in conformity with the Constitution, that is, as promoting equal enjoyment of individual rights, including the right to be elected to public office. This seems to be Fuch's reading of the situation.

Experts, including Miller, seem to agree on the value of the antidiscrimination measures established under the Voting Rights Act:

"Throughout the Deep South, blacks deliberately had been denied access to the voting booth by hostile state and local governments, even though the 15th Amendment to the U.S. Constitution had secured their right to vote almost a century earlier. They were forcibly kept away from political participation in many areas as late as the 1960s. One of the primary tools for keeping black voter registration low was the literacy test. Ostensibly intended to prevent illiterates from going to the polls on election day, the tests often were applied only to blacks, and the questions were obscure. (...) As a result, few blacks voted and even fewer ran for public office. Congress did not ban literacy tests in 1965, but rather insisted that they be applied to all potential voters without regard to race or ethnicity. This made democracy a reality for many southern blacks for the first time. In Mississippi, the consequences were stunning. In just two years, black voter registration rose from 6 percent to 60 percent. In 1964, only 103 blacks held public office in the United States. By 1994, this number had increased to 8,406" (Miller, 1998, p. 128).

Miller nonetheless attacks certain problems in the current system. The initial target was discrimination, and its elimination fostered equal opportunity. Miller definitely agrees that this was a step forward. But the system has gone too far in trying to guarantee not only equal opportunity but also, and above all, outcome members of minority groups have to be elected to represent minorities. This is what is known as identity politics, and Miller believes that it deviates from the basic standards of political life in the American system as he has defined it.

The issue is a sensitive one and the political representation rights of minorities are interpreted differently depending on each observer's ideological stance. Americanizers like Miller see them as a system of collective rights that run contrary to the Constitution. Multiculturalists see them as counterweights to white domination. Interpreters of the civic culture like Fuchs believe that they foster equality in a climate that works against minorities. They agree with the measures as long as they are temporary and applied in places where they are really needed.

There is no doubt that enforcement of the Voting Rights Act brings ethnic groups into the process of political representation. At the same time, there is no doubt that many members of minority groups win election without its help. As Miller points out, Colin Powell clearly would not need the benefit of seat reapportionment to be elected. Furthermore, a member of a minority cannot become president or state governor solely on the basis of the votes cast by his or her ethnic group. The fundamentals of the political process have not been undermined entirely. But what is the right balance in the measures that are being taken?

- *Social rights*

A minimum set of social rights solely for the benefit of the poor is part of the underlying logic of an American society built on the value of liberty. In an instructive essay, D. Abraham shows that the commitment to keeping the system of social rights to a minimum is deeply entrenched in American society:

"The negative conception of individual rights was brought into the world by a market-based view of society where, governed by neutral rules, let alone by the state, and not discriminated against for suspect reasons, people would develop their free and autonomous individuality. Nowhere has this vision been more powerful than in the United States. From Kant and Faust to Rawls and Madonna, we have known that autonomous individuality is best achieved by those whose material needs have been secured. Negative freedom cannot secure those needs. Negative liberty, which our legal regime is primarily about, and which even its radicals cannot seem to transcend, is good provided you have cash. The undeniable success, power, and attraction of this conception, elaborated in a nation of substantial and mostly growing material inequality, has proven a mighty barrier to redistributive (let alone egalitarian) projects in the United States" (1996, p. 63).

Wealthy Americans do not want a universal health care system that, among other things, would remove their freedom of choice. They clearly prefer individual freedom of choice and, specifically, the freedom to choose a program of social and economic security that they pay for themselves rather than having to join a government program that imposes the same conditions on everyone.

Until recently, the American social security system was equitable to immigrants and even illegal immigrants. The current backlash against illegal immigrants and, by extension, all immigrants who are slow to become American citizens is turning into a movement in favour of a direct relationship between social rights and citizenship. The Welfare Reform Act of 1996 reflects this approach:

"As the anti-immigrant backlash began to evolve in the last decade of the century, it focuses increasingly on the issue of eligibility for public benefits, and of all the harms ascribed to immigration, increased public-sector spending drew the greatest attention. Proposals to exclude newcomers from various social programs garnered even more support than plans to keep unwanted aliens from entering the country. Schools, hospitals, and social-service centers became the favored targets for enforcement actions, rather than borders, airports, or consulates. It began with long-term earthquake aid for illegal aliens, but then California, several other states, and the federal government eventually sought to prevent illegal aliens from enrolling in programs for child abuse prevention, foster care, breast cancer detection, child nutrition, and assistance to the deaf." (Suro, p. 288).

In the current climate, illegal immigrants are not the only targets:

"In this anxious atmosphere, the logic of exclusion leaped from illegals to legal immigrants like electricity arcing between opposite poles. The welfare reform law enacted in the summer of 1996 and signed by President Clinton despite his publicly stated reservations barred future legal immigrants from receiving food stamps, Medicaid, disability benefits, welfare, and most other forms of federally funded social services for the first five years they were in the country. The bill also expanded the circumstances under which an immigrant's sponsor would be considered financially responsible for the newcomer's health and welfare" (Suro, p. 288-289).

The Act targeted not only new immigrants but also, retroactively, legal immigrants living in the U.S.A. at the time of enactment. The effect of the measures on a high percentage of the most dependent immigrants was the subject of widespread criticism. When the 1997 budget was being passed, the Republican majority in Congress agreed to withdraw the retroactivity clause as it applied to benefits for incapacity to provide for one's needs, but all the reform measures still apply to current and future immigrants. In Suro's opinion, one of the major effects of the reform is that it makes a clear distinction between the civil status of native-born American citizens and that of naturalized citizens:

"The native-born know that the government will be there to help if their parents require expensive health care in their old age (...) But the 1996 law foreclosed that option for immigrant citizens who have brought their elderly foreign-born parents here to live with them. This is a growing category of people who are American citizens in every way except that they are now exposed to the nightmare of being bankrupted by the costs of their parents' dying days" (pp. 290-291).

In the late nineties, the anti-immigration movement is bringing about an ever closer linkage between rights, particularly social and economic ones, and citizenship. Proposition 167, which won the support of 59% of California voters in 1996, is a striking example of this linkage. The California policy does not target just illegals. Rejecting all liberal social principles, it denies essential economic benefits to landed immigrants until they obtain their naturalization papers.

- *Cultural rights*

American society has no clearly defined collective rights for the preservation and expression of specific ethnocultural identities. Voluntary pluralism is the norm. Individuals have total freedom to associate in civil society and thereby live their distinct cultural identities, and this freedom of association is recognized and accepted. Municipal and other authorities willingly grant permits for events that may, for example, disrupt traffic in a district or along a main street, as in the case of the Saint Patrick's Day Parade.

In the United States, distinct identity based on ethnic membership, the preservation of special ties with people of the same ancestry, and preservation of a mother tongue other than English is a matter of individual choice. Fuchs calls it voluntary pluralism, defined as "*a diversity based on the free choice of individuals united by a common civic culture*" (p. 74). This implies that there are no community-based rights which individuals can enjoy only if they remain members of a specific community. Observers note that the resurgence of cultural pluralism takes on many different forms, that individuals' participation in the movement is somewhat sporadic, that its importance varies from group to group, and that individuals are free to join or not.

One area where rights and specific cultures are interconnected is the administration of law. The connection finds expression in the way the courts have dealt with "colorblind justice," using the "cultural defence" to amend sentences in light of criminals'culture, in other words, taking account of culture-specific customs and habits in sentencing. Some decisions by local courts have accepted this type of defence, but it is not a generally recognized right and judges do not have to admit a defence argument based on it in criminal or civil cases. The cultural defence is a target of widespread public criticism, and Miller clearly expresses what is no doubt the most common position on the matter within American society:

"Courts must reject the idea that some foreign-born criminals should receive lenient treatment because they come from a different culture and may not understand American legal customs. This so-called cultural defense defies the basic principle of equal justice under the rule of law. The cultural defense has not yet become widespread, but it has encouraged prosecutors in some jurisdictions to reduce charges against immigrants who might otherwise face convictions for murder, rape, and other crimes. Cultural relativism has no place in the American legal system" (1998, p. 246).

3.2 Programs and measures

• Equal access

The predominant system is meritocracy: everyone has a chance and those with the greatest merit win. Minorities naturally lose because of discrimination and because of the poor educational conditions caused by school funding mechanisms, as a result of which poor districts inevitably have the lowest budgets. It is generally recognized that compensatory funding is required to alleviate the problem.

• Antiracism

History will show that the sixties were the decade in which blacks won their fight for equality. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 put an end to legally sanctioned racial discrimination. The fight against racism gave rise to legal actions that Hollywood in particular has made famous. However, the primary means of fighting racism in the U.S.A. have been affirmative action programs.

• Affirmative action

The abolition of legal racial discrimination was not enough to give blacks equality. Affirmative action programs are meant to compensate for the fact that they do not have equal opportunities. Latinos benefit extensively from the programs too, not as a means of compensation for the adverse effects of centuries of discrimination but because they are a minority suffering from discrimination. Their status was not recognized at the time the programs were launched; this did not happen until discrimination against them, and particularly against Mexican immigrants in Texas, was proven. Other ethnic groups have tried, and are still trying, to take advantage of the programs, though to a lesser degree. One of their prime targets is government contracts. The fact remains, however, that affirmative action is mainly for African Americans.

In the conceptual framework, affirmative action should be under equality programs rather than rights because it has never been enshrined in legislation by Congress and it remains under the control of local government, which is encouraged to implement affirmative action programs.

Lacorne (1997) devotes an entire chapter to what he calls "preferential treatment" based on membership in a specific ethnic or racial group. Because preferential treatment of this kind is a typically American concept and would be totally inconceivable in his own society, France, and because he nevertheless tries to come to grips with the concept, Lacorne's observations are particularly enlightening.

Lacorne quotes a Supreme Court justice, who describes the main purpose behind preferential treatment: *"To move beyond racism, we must first take race into account. There is no other way [...]. In order to treat some individuals equally, we first have to treat them differently."*

Lacorne then comments on the statement: "*Take account of "race" (now) to make it disappear (later)...This peculiar motto is at the very core of American antiracism. It is the product of a range of public policies governing all aspects of civil life: businesses, hiring practices, civil service recruitment, government contracts, university admission requirements, electoral boundaries, etc. Introduced as a temporary remedy for past acts of discrimination, affirmative action has become a convenient way of dealing with American society's greatest tragedy: the failure to integrate blacks into a society that was*

supposedly democratic and egalitarian but which, at least until the Second World War, continued to treat its former slaves as members of a lower caste" (Lacorne, p. 299).

The preferential treatment program applied to many other minorities too. Lacorne notes that in 1995 the Congressional Research Service listed 160 federal preferential treatment categories, each one of which corresponded to a distinct program and budget (p. 303).

The Civil Rights Act of 1964 provided for nothing more than a system of equal opportunities. But the new regulations that were gradually developed by federal officials went much farther. They promoted "real equality" based on measurable results. Theoretically, the number of recruits from each protected minority had to correspond to the size of that group as a percentage of the American population (p. 304).

Lacorne refers to the procedure as racial arithmetic. The decisions of the Supreme Court, which decides cases concerning the application of quotas, have always reflected a similar approach: "The judges were not against racial arithmetic, but they specified that it should be used only in exceptional situations and that its use should be justified and geared to specific requirements" (p. 306). In practice, it had to be shown clearly that racial arithmetic was being used to compensate for flagrant inequalities resulting from past discrimination.

Of course, equal treatment measures are not based solely and automatically on the relative sizes of minority groups. They are predicated on a number of other criteria, particularly for university admission. But however complex the quota system for university places may be, the objective is still the same, to ensure that the university population reflects the highly diverse makeup of American society.

Since their inception, the measures have been the subject of debate and of sharp differences of opinion as to their legitimacy. The Supreme Court has always rendered a split decision whenever it has been asked to consider equal treatment policy. Lacorne summarizes the arguments for and against the policy in the following terms:

"Opponents of affirmative action believe that there is no room for compromise or negotiation regarding equal opportunity. It is a legal matter. Meting out preferential treatment to different races is as arbitrary and antidemocratic as conferring a title of nobility. Its proponents, on the other hand, believe that equality is based on heritage and resources. People whose ancestors were slaves still do not have the social or economic capital they need to advance. They are therefore entitled to demand advantages and privileges. But the great difficulty, as we have seen, is how to define the advantages, identify the groups that should be considered victims, and determine at what point action is appropriate" (pp. 317-318).

Differences of opinion on what preferential treatment actually means make the debate even more complex. Lacorne quotes Stephen Carter's summation of one commonly held position:

"Preferential treatment is not a piece of social engineering designed to achieve an artificial state of equality in the face of widespread opposition. Instead, it is a fair means of giving genuine equal opportunity to individuals who, at the outset, did not have the social and education benefits enjoyed by their white counterparts. Merit is difficult to measure, but it exists from the outset. It does not mean giving university places to mediocre students recruited from the ghetto; it means taking students who have already shown considerable potential..." (p. 325).

However, the largest group of advocates of affirmative action do not believe that the success of preferential treatment should be measured in terms of individual gains. In their opinion, the primary objective is the promotion of ethnic groups as entities. They measure gains in terms of the percentage of members of the black ethnoracial group working in the various sectors of society in which blacks previously did not participate. From this standpoint, as the statistics on the number of blacks working in large corporations, banks, the professions and government show, it is clear that "*preferential treatment based on race has had positive effects, even though it has not helped the whole of the black community. It did not create the black middle class, which already existed, but it has speeded up its development and its integration into a white-dominated society. The only problem is that the programs do not reach the*

poorest people in the inner-city ghettos. And this is the main shortcoming of affirmative action. Preferential treatment is in fact perpetuating the social split between the black middle class and the underclass (p. 327).

Another major shortcoming is that preferential treatment infringes the individual rights of those who do not benefit from it or who do not get the job that they would have got in normal circumstances, based on their abilities, because the quota system gives preference to others. The ardent defenders of meritocracy are not the only ones to bring this problem to the fore. Michael Walzer does too. In light of the less than resounding success of the measures that he blames for this "travesty," he advocates more radical measures *"entailing an outright redirection of the nation's resources to the major cities and the poorest ghettos. They would be costly but would also be more consistent with the ideal of a republican, egalitarian multiculturalism in which every individual's merit is rewarded*" (1997, p. 328). Walzer's recommendation is not easy to reconcile with the underlying logic of American society, which does not accommodate the ideal of redistribution of wealth. But it is nonetheless the only alternative. Why, then, did American society choose instead an affirmative action policy that is inconsistent with the thinking behind meritocracy? Lacorne proposes the following answer, echoing Walzer?s thesis: ?*Seen from this angle, racial preference policies seem surprisingly conservative: in no way do they threaten the social hierarchy or the class structure* [...]" (p. 329).

Observers are sure that the days of racial arithmetic are numbered. During the nineties the preferential treatment policy has come under heavy attack. One of the heaviest was in 1996, when the California Civil Rights Initiative was passed by a slim majority. It prohibits the state government from discriminating in favour of or giving preferential treatment to an individual or group on the basis of race, gender, colour, ethnicity or country of origin (see Lacorne, p. 330). The attacks have not, however, led to the elimination of all preferential treatment measures:

"The preferential treatment habit is so pervasive and so entrenched in society that it is now defended by major corporations like Bechtel and Levi-Strauss. Any reckless move to reverse the social gains achieved through affirmative action would be met by the questionable charge that segregation was being reimposed. What is more likely to happen in the near future is that preferential treatment policies will be revised, their purpose more clearly circumscribed, and the number of beneficiaries specified through stringent procedures imposed by government or the courts. In addition, some anomalies in the system still have to be rectified, the most serious of which is the exaggerated number of claims, the highly debatable, disorganized process under which the list of alleged victims of past discrimination is getting longer and longer" (pp. 330-331).

Lacorne's predictions for the preferential treatment system are interesting because he tries to find a way of reconciling it with a civic, republican concept of citizenship: "*In trying to turn the exception into a standard as circumstances, fashion and political pressures dictate, the proponents of a borderless multiculturalism are harming their own cause. They turn races and ethnic groups into fixed, immutable entities and as a result perpetuate indefinitely the very things they want to see disappear. Let us suppose for a moment that an exception is made for African-Americans. The exception is justifiable only if it has a specific time frame, perhaps two generations, and gives preference only to those who need help: Blacks who do not come from the new middle class and are not preferred just because of the colour of their skin, but who have already shown some talent, whether in the arts, in social affairs, in sports, or academically (...) Viewed in this way, affirmative action inevitably means reform of the system of public education in the poorest districts*" (p. 333).

Lacorne's proposals are of course based on the ideas of philosophers like Walzer, but he is also influenced by progressive judges on the Supreme Court, who are managing to reconcile the spirit of the preferential treatment system with the overriding standard of equality for all, interpreting the law in such a way as to strike a balance between the demands of absolute equality and the requirement of similar treatment.

"In a context of controlled multiculturalism reflecting republican values, the legal profession faces the arduous task of conceptualizing the exception, circumscribing it, and determining its limits in time. In other

words, the quality of a system of tolerance is measured by the limits it sets for itself. Understanding tolerance also means understanding what cannot be tolerated and developing a clear idea of what is tolerable only in exceptional circumstances. This is what it will take to subordinate the two major legacies of the American "ethnic nation" - racial arithmetic and preferential treatment - once and for all to the requirements of a genuinely civic nation" (pp. 333-334).

- *Identity recognition*

There was a resurgence of multiculturalism among whites of European stock in the sixties and seventies. Indeed, Glazer and Moynihan ventured to say in 1963 that "the point with the melting pot is that it did not happen." There is ample evidence of the ethnic and cultural diversity of the descendants of European immigrants, but it is still difficult to assess its extent and significance. Miller (p. 114) quotes the sociologist R. D. Alba, who in 1990 wrote: "*Insofar as ethnicity has a role, then, it is increasingly voluntary, dependent on deliberate actions of individuals to maintain activities and relationships that have ethnic character.*" Miller comments:

"Ethnic identity was becoming symbolic. That is, white people were more likely to feel ethnic than be ethnic. Intermarriage rates between the conglomeration of ethnic groups that composed the category of white people had been so high throughout the course of the 20th century that relatively few of them could meet the requirement of common ancestry that binds single ethnic groups together" (p. 114).

It is difficult to contend that U.S. public institutions practised a "politics of recognition" with respect to white ethnic groups. There were many symbolic expressions of ethnic identity at parties and other celebrations, but they were not instigated through the willing support of institutions. The most significant feature of those events was that they were voluntary. The preservation of a distinct identity is the product of civil society.

The recognition of ethnocultural identities takes on two forms. The first is the acceptance of demonstrations of ethnic identity at common public festivals like the Fourth of July. Lacorne (1997) chooses one particular event as a perfect illustration of how diversity is recognized within the broader context of national identity. It took place at Monterey Park, a small town south of Los Angeles. The town was studied extensively by Horton (1995), who was interested in the history of policies on ethnic and cultural diversity in American communities:

"Interethnic conflicts often occur but they are not insoluble. One conflict, a very symbolic one, involved the Fourth of July celebrations. The local tradition, started in years gone by people of Anglo-Saxon stock, was that hot dogs were served on the streets. In 1989 the Chinese Americans, who were aware of their growing power, objected: they wanted to eat egg rolls. The Hispanics said they preferred tacos and corn bread. The discussions were long and arduous, because private funding had to be found to accommodate rival culinary traditions. Finally they reached a compromise: they would serve hot dogs, egg rolls, Mexican bread and a cake topped with an American flag" (p. 353).

Conflict resolution in situations of this kind is indicative of the resources Americans can use to ensure that the different groups coexist in relative harmony. Diversity is recognized if it asserts itself and, concomitantly, if it can mesh with the national identity.

Other instances of recognition of minority identity are more official. The most significant one is bilingual education for Spanish-speaking children. The initial purpose was to ensure that the children did not fall behind in subjects like mathematics because of inadequate knowledge of English. In the first two grades of elementary school, the core subjects were taught in Spanish and the children learned English in English class. However, bilingual education turned into something else: it now served to recognize the value of the children's specific identity and the need to preserve it. Its purpose was now to preserve Spanish language and culture as recognized facts of life in American society. In 1974, Senator Ted Kennedy became an advocate of more bilingual education, clearly basing his argument on the need for recognition:

"When the United States is the fifth largest Spanish-speaking country in the world and when a near majority of people in this hemisphere speak Spanish, surely our educational system should not be designed so that it destroys the language and the culture of children from Spanish-speaking backgrounds" (quoted by Miller, 1998, p. 194).

Obviously a proponent of Americanization like Miller does not entirely agree with Kennedy's interpretation of the value of bilingual education. He bases his objections on a great deal of research showing that, understood and implemented in this way, bilingual education may delay Latino children's acquisition of English skills. When bilingual education serves as a means of recognizing Hispanic identity, it suits the multiculturalists, it is accepted by Democrat politicians as a fact of life, but it is attacked by proponents of swift, all-encompassing assimilation.

Another significant instance of institutional recognition of minority identity is the adaptation of history and social studies textbooks to reflect diversity. The movement to revise textbooks and thereby bring out the diversity of American society more effectively is a very important development. Except when it gets carried away, it is never attacked, even by the champions of American identity like Arthur M. Schlesinger, Jr. Glazer's position is realistic and open-minded:

"Blacks are the storm troops in the battles over multiculturalism. They are by far the largest group involved, they feel the issues most urgently, their problems are the most severe, and their claim that they must play a larger role in the teaching of American literature and history, indeed should serve to reshape these subjects, has a far greater authority and weight than that of any other group. The most extreme version of this view, Afrocentrism, has become perhaps the most alarming aspect of the whole situation to those who are skeptical about multicultural education. And just as the black pride and black separatist movements of the late 1960s and early 1970s led to echoes and imitation among other groups, so does the present movement" (1998, pp. 94-95).

As the above excerpt indicates, the legitimacy of the multiculturalism movement's call for recognition of minority identities is accepted in the case of blacks, and there is little doubt that it pulls along in its wake the recognition of the identities of other major segments of society, the Indians, the Hispanics and the Asians.

4. Political and civic participation

Barber (1992, pp. 66 *et seq.*) clearly establishes the link between rights and democracy in the U.S.A.:

"What rights meant to the American story was that the chief American protagonist in our native drama was neither the WASP nor the assimilated immigrant nor the hyphenated American, but the citizen. What Americans shared could be captured neither by origins nor by kinship nor by blood, which produced only an often anarchic and divisive plurality. Rights issued in citizenship and forged a stronger commonality and a firmer identity than the individual histories immigrants were escaping. The right to liberty, the right to self-legislation, the right to be included in a civic polity founded on "popular" (that-means-me!) sovereignty, all pointed toward an idea of the citizen that had an aggressive, liberating character, pushing to extend to the very periphery of the universal" (p. 70).

Barber's definition of the American citizen ties together the four macroconcepts of our conceptual framework: "*To be an American is not to have secured equality and justice, but only - with the help of a story of unprecedented aspiration - still to hope and to struggle for them* " (p. 77). The fundamental ideals underlying the American national identity define the plan to be carried out; participation in democracy is what allows these ideals to be embodied in rights and it is a participation of all citizens, encompassing all the differences in identity that make Americans distinct.

In this part of our study, we must attempt to grasp the specific features of American society in terms of participation in democratic life, an essential component of the conceptual framework for citizenship. Again, we must explore various aspects in order to understand how participation is experienced in a

society where democratic institutions have very distinct characteristics, where there is a clearly defined political mentality, and which is made up of a broad range of diverse components.

4.1 Areas of participation

It is important to distinguish two fields of public participation. These two fields are differentiated by their location: civil society and/or the locus of political life. However, it is important to keep in mind that it is not just a matter of location; the objectives of participation may vary according to the chosen location, and the nature of citizens' involvement is not the same when they invest in associations and when they invest in political action. The connection between civil society and political society is considered very important by political scientists but has not been studied sufficiently (Cohen and Arato, 1992).

- *Political life*

Americans are undoubtedly the citizens whose votes are most often solicited in liberal democracies: they elect a senator in each state every seven years, representatives every two years, the president, the district attorney, the chief of police, etc. During elections they are also called upon to express an opinion on propositions made by citizens in a referendum-style consultation. Yet the increase in the number of referendums does not seem to intensify Americans' sense of political participation. Experts agree that American society is experiencing a crisis in political participation, reflected in low participation rates at the polls. Crisis or not, it is a subject of some debate, and important studies have been published on the ways Americans exercise their right to choose their leaders.

- *Forms of political participation*

Considerations on this subject come from two distinct sources. The first are microanalyses of American political life conducted from a historical or political science standpoint. An example of the historical perspective is a book published in 1992 by Edward J. Dionne, Jr., a political journalist who has had a long career at the *Washington Post* and the *New York Times*. The book earned high praised from the entire American political press corps. It became a national best-seller and won the Los Angeles Times Book Prize. Entitled *Why Americans Hate Politics*, Dionne's work is a detailed account of the last 30 years of American political history. According to the author, the period is most memorable for the polarization of left- and right-wing ideologies, coinciding with a coalition of opposing interests. The sixties were dominated by the left-wing ideology of the Democrats, whereas in the eighties there was a right-wing reaction embodied in the Republicans. The nineties bear the legacy of this short but influential period of sharp political divisions:

"In both their virtues and their flaws, the Sixties Left and the Eighties Right were caught up in the tensions and ironies that have characterized politics throughout American history. As James A. Morone argued in his brilliant book The Democratic Wish, American politics is characterized by both "a dread and a yearning?. The dread is a "fear of public power as a threat to liberty". The yearning, said Morone, a Brown University political scientist, is "an alternative faith in direct, communal democracy," the idea that Americans could "put aside their government and rule themselves directly". Put another way, Americans yearn simultaneously for untrammeled personal liberty and a strong sense of community that allows burdens and benefits to be shared fairly and willingly, apportioned through democratic decisions" (Dionne, Jr., 1992, pp. 329-330).

Morone, a well-known author, thus sees a widespread attitude as a defining trait of the American mentality.

Dionne thinks that the political history of the last 30 years has had an adverse impact on Americans' interest in politics. In his opinion, the main problem is that, although their positions are of course very different, the moralistic stance of both the left and the right has prevented government from seeing and understanding the demands of the middle class and has more often than not caused it to ignore them. This is what Dionne calls the myopia of the Democrats and Republicans: "*Because of the particular myopias of left and right, American politics came to be mired in a series of narrow ideological battles at a*

time when much larger issues were at stake " (p. 331). The author illustrates the problem by showing how the great national debates on religion, racial quotas, the oath of allegiance and the death penalty, were the focus of attention at a time when American society was suffering significant economic and social hardships that were barely discussed:

"Thus, when Americans say that politics has nothing to do with what really matters, they are largely right (...) When Americans watch politics now, they understand instinctively that politics these days is not about finding solutions. It is about discovering postures that offer short-term political benefits. We give the game away when we talk of "issues," not "problems." Problems are solved; issues are merely what politicians use to divide the citizenry and advance themselves" (p. 332).

It is impossible to say with certainty to what extent the state of mind of American citizens is revealed by this brilliant analysis. What is certain is that in the late nineties the situation has not improved; on the contrary, the disapproval of the majority of Americans with the way the Lewinsky controversy is dominating American politics at the moment suggests that they have not yet had the opportunity to let go of the negative feelings toward politics identified by Dionne in the early nineties.

These wide-ranging analyses shed light on the civic participation of American citizens but they make the mistake of assuming that everyone's reaction to the country's political life is the same and that citizens share the same concept of political participation. Empirical studies of people's views on these questions certainly constitute a second major source of information. These studies, which allow for a more detailed and more refined vision of citizenship, as it is experienced and practised in the United States, are not as numerous as one might think:

"There are few empirical studies that deal even tangentially with good citizenship, and these usually begin with an idealized view of "the good citizen" and find that citizens fall short of this standard. Largely neglected are citizens' own conceptualizations of good citizenship; that is, what people themselves think it means to be a good citizen" (Theiss-Morse, 1993, p. 355).

Theiss-Morse was able to find only a handful of studies on the matter. In fact, she is one of the few authors to have taken an empirical approach to these conceptualizations. In her study, she uses a carefully worked-out methodology to measure what people think of citizenship, and her main finding paints a complex picture. In a sample of citizens from Minnesota, she identifies four different views of how the good citizen should participate:

"The "Representative Democracy" perspective (...) is a consentient view which holds that good citizens should be informed about politics so they can vote intelligently based on their knowledge of candidates and issues. More than any other perspective, there is a strong emphasis on participating actively in electoral politics, particularly by voting. The motivation behind this involvement is a belief that individuals have some influence in the system and the political process works to benefit the citizenry. Citizens should participate so they can represent their own political interests (...) and should vote and discuss politics so government leaders will be responsive to the public.

The "Political Enthusiast" perspective emphasizes the use of a diverse assortment of participatory activities. Politics is pervasive and citizens should be involved whenever an important group decision is to be made (...). Activities should include whatever it takes to make sure government representatives are doing what the people want: voting, writing letters to members of Congress, discussing politics, keeping informed, participating a great deal between elections, and, if necessary, using protest and civil disobedience (...) From this perspective, other types of political involvement may influence government decisions more than voting.

The "Pursued Interests" perspective contains two views of good citizenship that distinguish it from others. First, a good citizen does not have to be interested or involved in politics. The idea that citizens can ignore politics because it is too complicated, takes too much time, or there are more important things to worry about, and the idea that citizens should not bother leaders after electing them, are not rejected by this perspective. Citizens who do not understand politics should not participate, but those who are

informed should make a special effort to do so. Second, group activity is strongly emphasized. Citizens should be involved in decision making in the family, on the job, in the community, and in organizations they belong to, and if they are interested in having an impact on government, they should join interest groups not because this is the only way to be heard but because it is an efficient way to have an impact.

The "Indifferent" perspective agrees that citizens should vote and be informed about politics, but rejects the use of other forms of participation, particularly unconventional and interest-group activities. However, the positive attitude toward voting and keeping informed is couched within a broader view that is somewhat alienated, somewhat apathetic, and ambivalent about elites. While politics is controlled by economic elites, thus shutting out the voice of citizens, it is simply the case that politics is not important in most people's lives and there are probably more important things about which to worry. Indeed, this perspective is the only one that does not reject the idea that good citizens do not need to be interested in politics because leaders are doing a pretty good job and can be trusted to make the right decisions" (pp. 363-364).

Theiss-Morse's research does not help to determine what proportion of the population adopts each perspective. The value of her analysis of citizenship is that it identifies a number of perceptions of what it is to be a good citizen and shows that the perceptions differ on significant aspects of participation. Citizens adhering to the first type (Representative Democracy perspective) vote in greater numbers. Citizens with an "indifferent" perspective are the least likely to vote. The "political enthusiast" is not much more inclined to vote, clearly preferring a more intense form of participation such as lobbying, protesting, or forming local special-interest groups. Citizens with a "pursued interests" perspective do not exhibit civic participation behaviour identifying them as such because they are divided on the issue: some of them believe they should vote and be well informed, while others think the contrary.

The research shows that in order to fully grasp the concept of political participation as a component of the conceptual framework for American citizenship, it is important to examine not only the degree of participation but also the form it takes. The influence of a citizen who does nothing more than faithfully vote in every election is certainly not the same as the citizen who communicates with elected representatives on all issues and tries to influence them. As well, the citizen who participates in every protest has a greater impact than someone who simply participates in every election. In short, is it the power of influence that prompts people to choose a given form of participation, or are there other factors to consider?

In drawing a parallel between an analysis such as Dionne, Jr.'s and the empirical findings on the different forms of participation, we face many questions. Are those who adhere to these perspectives equally affected by indifference to politics? Is it the nature of politics that makes people adopt a specific perspective? Using existing research to answer such questions may not be productive, and in any case this is not the purpose of our study. For the moment, it is especially important to note that a conceptual framework must, where political participation is concerned, focus on the variety of participatory forms extending beyond the usual, traditional concept of exercising one's right to vote.

Like many others, Dionne, Jr. does not resign himself to merely describing political life in the U.S.A. He proposes a means of rejuvenating American democracy: *"In the 1990s, Americans are seeking a politics that restores a sense of public enterprise and mutual obligation - knowing that without these things, the gains in individual liberty that the last decade produced will be imperiled"* (p. 334). The objective that regeneration of citizenship must work toward is clearly defined by Dionne: *"What is needed, and desperately, is a resurgence of the language of common citizenship that animated the early civil rights movement"* (p. 338). The author proposes several elements of a program of resurgence.

- *Electoral behaviour*

In American society there is a direct link between membership in certain population groups and participation in terms of polarization of the vote. The expression "identity politics" serves both to denote and to criticize the link. Miller illustrates the polarization phenomenon with reference to the mayor of the small town of San Diego, Texas, who is one of the few Republicans ever elected to this office:

"As a Republican in south Texas, Cardenans is an oddity. For most of the 20th Century, the Democratic Party has dominated his section of the state in something that approximates one-party rule. Democrats are everywhere, like the scrubby mesquite trees that clutter the landscape. Republicans, on the other hand, are about as rare as a snowfall: [...]". "Down here, you're born three things," says Laredo school board member Bebe Zuniga, "A Hispanic, a Catholic, and a Democrat" (Miller, 1998, p. 137).

Miller continues: "*In Miami, you are also born three things, at least if you are Cuban: Hispanic, Catholic, and Republican.*" Seen as a single entity, a large majority of Hispanics vote for the Democratic Party, but the Democratic coalition does not encompass all Hispanics, far from it. Miller is pleased to note that a shift in the Hispanic vote in favour of the Republicans seems to be taking place, a shift especially evident among those who have moved up the social ladder.

Miller reports statistics on the Asian-American vote showing that the electoral choice of this group varies considerably:

"Some data on the political preferences of Asian ethnic groups do exist. A Los Angeles Times poll, for example, found that about two-thirds of Vietnamese Americans registered to vote in Southern California consider themselves Republicans. [...]. Koreans are considered a fairly Republican group. Chinese and Taiwanese also appear to lean in the GOP's direction. [...]. Japanese Americans, however, are overwhelmingly Democratic and most Filipinos probably are as well. Indian political preferences are less clear, but when they run for office they are much more likely to do so as Democrats" (Miller, 1998, p. 140).

Our overview of these considerations shows first of all that political analysts take vote polarization seriously because of its significant effects on elections. Miller's many examples show unequivocally that newspapers, political parties, and analysts of American politics are very interested in the phenomenon.

Second, as the examples illustrate, it seems that vote polarization is insignificant and inconsistent within any given ethnic group. Yet a conceptual framework should incorporate this phenomenon since it links participation to membership in specific groups. Analysts show that Hispanic vote polarization, for instance, may have had a decisive effect on certain elections.

- *Civil society*

It is a truism to say that civil society is a pillar of American democracy. Our purpose here is not to measure to what extent the civil participation rate is higher in American society than in other societies. In characterizing citizenship today, there is no doubt that the participation aspect must be given a great deal of weight, and two considerations must be given priority. First, while American democracy was characterized by a high rate of participation in civil society up to the end of the first half of this century, it is no longer the case in the second half of this century. Secondly, while high rates of civil participation may no longer be a characteristic of citizenship, the conviction of the importance of participation is still very much alive, as the constant calls for American citizens to raise their civil participation rate readily attest.

The significant decrease in citizen participation in civil society during the last 20 or 30 years is a matter or record. Robert D. Putnam, renowned for his work on social capital in Western democracies, writes:

"Pollsters, for instance, have been asking Americans every year for the last 20 or 25 years if they have been to any meeting within the last year at which there has been a discussion of town or school affairs. The results show a decline in this type of civic engagement of nearly 40 percent over the last 20 years. And there are similar declines in other measures of civic deliberation. We are not only voting less, we are exchanging ideas with one another less about public affairs" (1996, p. 29).

This excerpt brings out what is meant by civil participation. It means voluntary involvement in organizations that are independent of government, and in which activities are initiated by members alone. For the most part, these organizations are at the local, parish, municipal, or school level, but

some, such as the Red Cross and Amnesty International, are international. In the United States, civil participation has fallen drastically at all levels.

Putnam presents an overview of the striking decrease in civil participation which, according to his research data, affects all aspects of citizens' involvement in organizations in their own community. The first type of participation he discusses is involvement through membership in religious organizations (average decrease of about 25%). The other types of participation include involvement in unions (50% to 60% drop), in clubs (Lions, Mooses, etc.: 20% to 50 % drop), the Red Cross (50% drop), and adult voluntary work in Scouts and a variety of community organizations. There has been a steady decrease in involvement in organizations that require an investment of time from their members and attendance at meetings to discuss new activities. In contrast, organizations experiencing an increase are those where membership does not require this kind of investment, such as professional associations and senior citizens' associations. Even attendance at bowling lanes for team games, which usually has a very high attendance rate in the U.S.A., has decreased by 40%.

What is lost, says Putman, is social capital, which is built up and maintained through the opportunities that civil participation provides for *"sustained conversations with other people we know about shared interests and community affairs. [...] I don't mean highbrow academic conversations, I just mean having conversations with your neighbours about how things are going. I mean taking responsibilities for your views" (p. 31).* The loss of social capital happens because of the loss of such opportunities: *a decline in informal connections. [...] It is in many different ways that we are no longer connecting with one another. Furthermore - and this is in some sense the crux of the matter - we trust one another less. A generation ago if you asked Americans if they trust other people, nearly two-thirds would have said yes. Today, if you asked that same question of Americans, nearly two-thirds would say no. We are losing those habits of reciprocity and trust that are characteristic of communities with high levels of social capital (p. 32).*

Considering this emphasis on the importance of social capital, it is not surprising that American organizations with a mission to revitalize democratic life eye civil society in particular. The Internet site of The Walt Whitman Center at Rutgers University (New Brunswick, New Jersey) puts projects with this kind of objective at the top of its list:

"A consensus exists among political analysts from right to left that in the face of eroding trust in government, civil society must once again become a strong component of public life. Civil society, that sphere of social relations which lies between the domains of government and market, teaches citizens the arts of liberty and self-government. Within such institutions as voluntary or civic associations, neighbourhood watch groups, churches, and charity groups, people become more thoughtful citizens capable of solving problems together without the help of experts, acting as partners with their elected representatives. Civil society thus enlivens democracy."

The "New Citizenship Movement" is a significant example of initiatives intended to breathe new life into civil society:

"The new citizenship movement is diverse in its approaches, emphases and organizations. But it is in general agreement on one overriding principle: "We believe that we as citizens must reclaim responsibility for and power over our nation?s public affairs". This is how the Civic Declaration, which was signed on December 9, 1994, in Washington, D.C., by civic leaders from many diverse communities, organizations, and political perspectives, put it as they committed themselves to working together across their differences. The new citizenship movement focuses on practical problem solving and collaboration. It seeks to renew the vitality of our civil society and associational life, which have always been the foundation of our democracy. It builds upon a long history of community action and civic education in America, but it draws especially upon the innovative methods of many working at the grassroots in recent years (Excerpt from New Citizenship Movement Internet site).

The signatories to the Civic Declaration present themselves as a mosaic of communities, occupations, cultures, and perspectives:

"The New Citizenship to which we commit ourselves is open, diversified, inclusive, and non partisan: a civic forum comprising every segment of America. [...] Rather, the New Citizenship seeks a return to government of and by as well as for the people, a democracy whose politics is our common public work: where citizens are as prudent in deliberation as we expect our representatives to be; where public problem solving takes the place of private complaint; where all give life to liberty and rights are complemented by the responsibilities that make them real.[...] We speak from the vantage point of a 'third sector' - that vibrant array of voluntary associations, religious congregations, schools and colleges, the free press, professional groups, and community organizations that mediate between government and the market and that span the space between private life and the world of mega-institutions. [...]. We commit ourselves to a common citizenship that honors difference and incorporates diversity. From the myriad races, cultures, and communities of interest that are America, we draw shared values rooted not in sameness but in the common ground of our shared tasks and obligations to future generations."

The sources of this declaration are the Center for Democracy and Citizenship (Humphrey Institute, Minneapolis) and the Walt Whitman Center (Rutgers University). Benjamin Barber was one of the instigators of the Declaration. More than twenty people helped to draft it. It is difficult to determine the exact extent of the new citizenship movement.

These are but a few excerpts from a document more than fifteen pages in length which explains in detail the goals of the New Citizenship Movement, the values and options of society which underlie those goals and the methods it will employ to reach them. The document is intended to build bridges and avoid ideological polarization. It accepts diversity without advocating multiculturalism. It avoids separating civil society from civic society; on the contrary, it advocates rekindling the spirit of civil society as understood by Putnam, as a way of reviving a will and a clear vision in citizens so that they will make government care for their well-being.

4.2 Required skills

In order to account for the state of participation as an aspect of citizenship, a conceptual framework must consider more than just the current state of affairs. It must also consider the objective that a society sets itself in this regard.

- *Qualifications*

The emphasis on civic education in the United States is the opportunity for a wide-ranging discussion about the objective that should be set. The key document that provides answers to this question of participation is unquestionably the Civics Framework for the 1998 National Assessment of Educational Progress (NAEP Civics Consensus Project, Washington: National Assessment Governing Board, U.S. Department of Education). This document, on which there is a national consensus, defines the objectives and the content of citizenship education. The Civics Framework is the result of a long consultative process conducted by the Council of Chief State School Officers, the Center for Civic Education and the American Institutes for Research for the National Assessment Governing Board. It is impossible to find a more official, more authoritative voice for defining the behaviour expected of American citizens, which is in this case based on civic education standards. It is under the standards section of the conceptual framework that reference to behaviour should be made, since the direction taken in citizenship education is that of developing children's skills and dispositions for civil and civic participation.

The standards define the citizen who has been properly educated for political and civic participation. All citizens are equally considered without distinction. The values and principles underlying citizens' education in participation are explicitly included in the definition of national identity based on the Constitution.

By defining the objective of citizenship education, the Civics Framework defines the ideal of the American citizen:

"The goal of education in civics and government is informed, responsible participation in political life by competent citizens committed to the fundamental values and principles of American constitutional democracy. Their effective and responsible participation requires the acquisition of a body of knowledge and of intellectual and participatory skills. Effective and responsible participation also is furthered by development of certain dispositions or traits of character that enhance the individual's capacity to participate in the political process and contribute to the healthy functioning of the political system and improvement of society" (p. 7).

How are the main components of the program defined?

The main component is knowledge of the workings of American democracy, which are characterized by five dimensions:

1. *"Citizens need to understand civic life, politics, government and civil society so that they can make informed judgments about what government should and should not do, how they are to live their lives together, and how they can support the proper use of authority or combat the abuse of political power"* (p. 19).

2. The values and the principles underlying the American political system, as defined by the major founding documents, the rulings of the Supreme Court and the important people who have explained these principles, such as Martin Luther King.

3. The division of powers established by the Constitution: "*As a result, Americans live under the jurisdiction of national, state, and local governments, all of whose powers and responsibilities are separated and shared among different branches and agencies (...) The Framers of the Constitution saw this complex system as a principal means of limiting the power of government. Multiple levels of government provide numerous opportunities for citizens to participate in their own governance. The system also reflects the principle of popular sovereignty, enables citizens to hold their governments accountable, and helps to ensure the protection of the rights of individuals " (p. 22).*

4. The U.S.A.'s relationship with other countries and world affairs: "*To make judgments about the role of the United States in the world today and what course American foreign policy should take, citizens need to understand the major elements of international relations and how world affairs affect their own lives and the security and well-being of their communities, states, and nation. They also need to comprehend how commerce, travel, communications, and the international economy bring them into relationships with people everywhere. "*

5. Citizens must possess a clear understanding of their role in American democracy: "*Citizens should understand that through their involvement in civic life and in nongovernmental organizations they can help to improve the quality of life in their neighborhoods, communities, and nation. They also should understand that if they want their voices to be heard, they must become active participants in the political process. Although elections, campaigns, and voting are at the center of democratic institutions, citizens should be aware that beyond electoral politics there are many other participatory opportunities available to them"* (p. 23).

The second dimension of the Civics Framework focusses on skills-related objectives: "*Certain skills in participation are essential and also are specific to the domain of civics and government. (...) In this Framework, intellectual skills essential for informed, effective, and responsible citizenship are categorized as identifying and describing, explaining and analyzing, and evaluating, taking and defending positions on public issues*" (p. 24).

There are three participation skills: the ability to discuss in a civil manner, to ally oneself with others, to resolve conflicts peacefully and to co-operate; the ability to advise the government and to influence its policies.

The third component of the Civics Framework comprises a set of civic dispositions that are essential private and public traits. The private traits are the sense of moral responsibility, self-discipline and respect for the values of the individual and human dignity. The public traits are *"public spiritedness, civility, respect for law, critical mindedness, and a willingness to listen, negotiate, and compromise..."* (p. 32).

As demonstrated clearly by the standards of the national citizen education program, the notion of citizens' virtue is at the heart of the perception of citizenship. Michael Ignatieff points out that *"in the republican civic paradigm, the virtue of citizens is held to be the ultimate guarantee of good government"* (1995, p. 63).

- *Motivations*

In a review of the literature on civic participation, J. Frideres (1998) attaches particular importance to studies that aim to identify what exactly makes citizens participate to varying degrees in civil society, whether in local community affairs or in local and national politics. Since the majority of the works in Frideres' review are American, his study can help us isolate important elements that should be classified under this section of the conceptual framework.

Frideres identifies three elements that help to explain why citizens actively participate in civic and civil society. The benefits that citizen participation brings to a local or national community account in large part for the motivation to participate:

"For example, many times, communities, government agencies, or other organizations have looked to civic involvement as a way to provide a solution to a problem, e.g. urban service delivery, health promotion, disease prevention, crime and drug abuse prevention, welfare reform, mental health service delivery" (p. 3).

The cost/benefit ratio is a second source of motivation to participate, as recent research shows. To really stimulate participation, the benefits produced by participation, whether they be material or moral, such as solidarity, should recompense individuals for their personal contribution and should only be available to those who have invested in participation. The benefits that stimulate participation can also result from collective goals such as the well-being of the community, the performance of civic duty or a sense of responsibility.

Leaders, who are the most active participants in voluntary organizations, are driven by collective motivation rather than by material benefits. Many also gain fulfilment from leadership and the personal gratification that comes along with it.

Frideres also points out that "*within the cost-reward model, three factors have been identified as influencing an individuals participation in voluntary organizations: perception of the environment, one's social relations, and one's perceived control and empowerment within the community"* (Frideres, 1998, p. 4).

Civic participation is greatly influenced by the national civic culture, which is based on liberal individualism. Political participation is always being influenced by particular movements or interests, both ethnic and regional, but it should be noted that American political participation occurs within the two major national parties. The two main parties' penetration of all spheres of political life at all levels certainly has an effect on the cohesion of American society beyond its divisions. There is no participation in parties in which membership is based on racial or ethnic characteristics. The national parties aim for victory by either responding to the specific interests of minority groups, something at which the Democrats are more successful than the Republicans, without alienating a significant percentage of the white electorate, or by focussing, as the Republicans do, on representing the middle-class white electorate to counteract the demands of ethnic minorities.

4.3 Duties and responsibilities

In the U.S.A., the concept of duty and responsibility is certainly not the one that motivates citizens to participate in civil society and political life. Political discourse aimed at teaching citizens to achieve what is expected of them uses these words in a moral sense, but in reality, it is the motivations brought out in the research summarized in the preceding section that predominate. Voting is not a legal obligation and it is difficult to see how the freedom to vote or not to vote in elections could be constrained by law in American society. The basic freedom of American citizens seems to apply here. Citizens who vote in elections, who devote time to their party, who are involved in their community and who help their neighbours will do it on their own initiative. Those who do not get involved simply do not want to have to account to anyone. A media campaign to promote greater participation really has no other option but to make citizens see either that it is in their best interest to exercise their right to vote or that the male or female politicians who seek their electoral support are fellow citizens who need them and to whom they can be of service.

II- Interrelationships between macroconcepts of the conceptual framework

Now that we have applied each component of the conceptual framework separately to the American reality, we will endeavour in the second part of our study to look at that same reality in terms of the interrelationships between the four main components of the framework, the four macroconcepts on which it is essentially built. In taking this approach, we immediately find that merely describing the current situation will not enable us to gain a full understanding of what American citizenship is. As we saw in the first part, the various aspects of citizenship are the subject of an ongoing debate.

At the present time, ethnocultural and sociological minorities are asserting their identities very strongly in the public arena. This is a relatively new phenomenon in the twentieth century; the early years of the century were dominated by the nativists, followed by the assimilationists from 1920 until the end of the fifties. In the second half of the century there has been a resurgence of specific identities under the impetus of the major pieces of egalitarian legislation of the sixties. The current situation is described in broad terms in the section on the social, ethnocultural and transnational membership components of the conceptual framework. The place of membership in specific groups within American society is related to national identity, which generally makes room for diversity, albeit as part of a strongly asserted unifying purpose. On the basis of the vertical axis of the framework, the citizenship identity dimension is to be viewed in terms of a balance between national identity and specific identities that make their presence felt in American society. It is thus a very complex reality that we have to come to grips with, particularly as views differ considerably on what a satisfactory, reassuring balance between the two components may be. Some players try to consolidate national identity; they certainly do not agree on the means for doing so, but they do agree on the need to counter as effectively as possible the forces of affirmation of specific identities. Other players endeavour to strengthen the position of their own identity in society and, by demanding to be a part of the national identity, they make the identity configuration more complex. They too do not agree on the means for achieving their ends. In short, debate on the relationship between identity and citizenship is very complicated.

The positions taken parallel in many ways positions on citizens' rights and forms of civil and political participation, which are the two main components on the horizontal axis of the framework. In attempting to pinpoint the specific features of American citizenship, we saw that membership in specific groups is factored into the current system of rights in many ways, but especially in the form of special rights and institutional recognition of diversity (see section on the current system of rights). Membership is also related to political participation, if only by dint of the increasing number of people from the black, Hispanic and Asian minorities holding public office and the polarization of minority votes (see section on participation). The present system of rights and in particular the way political participation works are definitely not to everyone's liking. Positions taken on this issue are clearly linked to positions on the debate over identity and American citizenship. We must therefore try to explain the broad range of concepts of citizenship by identifying them with the help of the conceptual framework, which has enabled us to describe the characteristics of American citizenship today.

In this second part, we will focus on identifying the various positions being taken in the current debate on the place of minorities in American society. Our conceptual framework will help us to do so in the following way. Positions taken on the current system of rights (3) and civil and civic participation (4) are compared with positions taken with regard to the components on the vertical axis of the conceptual framework: national identity (1) and social and ethnocultural membership (2). The positions on (1) and (2) are ways of perceiving national identity and specific identities and the relationship between the two. This is the logic that we will follow in characterizing the various positions.

The American national identity is syncretic, as the works on the subject referred to in the first part of the study show. It has always been characterized as such. Theoretically, there should be no problem reconciling the American identity with the wide range of specific identities, and all minorities, whether ethnocultural or sociological, should have no problem accepting this identity while remaining attached to the distinctive traits of their specific identity.

In fact, there are many tensions and conflicts between the national identity and specific identities. David A. Hollinger (1995) gives a clear description of the tensions:

"The United States has never been without a battle of a kind between the illegitimate ethnic nation and the official civic nation. This is the conflict [...] between the nation's strictly nonethnic ideology and its extensively ethnic history. The damage the ethnic protonation of Anglo-Protestant - and later of white Americans generally - inflicted on ethnoracial groups imperfectly protected by the civic nation endows the multiculturalism of our time with its political intensity. An ironic consequence of this well-documented history is that American criticism of the civic nation are now voiced not only by those purporting to speak on behalf of 'the people who built this country' but also by persons carrying the mantle of ethno-racial minorities. If echoes of the older nativism can still be heard in some of the religious right, the tables have partly turned. The civic nation, so long accused of being too commodious, too accepting of outsiders, is now credibly accused of being too insensitive to the group needs of people who bring non-European ethnicities into the republic. The claims of diaspora and of conquered peoples are raised against pressures for assimilation" (pp. 136-137).

As we showed at the beginning of the first part, the American national identity can be encapsulated in a statement defining American society as a civic nation. At the core of national identity is an idea, an abstraction, which is not experienced in the same way by everyone.

The **neo-nativists**, or **monoculturalists** as Kincheloe and Steinberg (1997) call them, have problems with ethnoracial diversity, which they see as a shadow on the face of American identity. That face is, in their opinion, essentially white, preferably male, of European, ideally Anglo-Saxon, origin. The neo-nativists, who comprise more than just the religious right alluded to by Hollinger, associate national identity with a particular ethnic group and, in this sense, their understanding of national identity infringes the Constitution itself and the founding principles of American society. Yet their philosophy is a very popular one, if not as a publicly aired doctrine, then at least as a way of relating to minorities.

Paradoxically, as Miller (1998) quite rightly observes, the neo-nativists are not assimilationists: "*Nativists say that immigrants cannot assimilate. They wrap themselves in particularist definitions of American nationhood, issue bleak predictions about the future, and seem to derive a strange satisfaction from their talk of decline*" (p. 236). They have a defeatist attitude toward the current wave of immigration because they cannot imagine that immigrants could one day take American citizenship as they understand it. Their position can only fuel the fires of segregation and discrimination against social groups that do not fit their identity model. Proponents of the neo-nativist thesis in strategic positions tend to act for the benefit of those who fit that model.

Characterizing the concept in terms of our conceptual framework, we find that national identity as understood by the neo-nativists is inevitably challenged and threatened by the ever greater affirmation of ethnocultural, social and transnational membership by a growing number of people intent on asserting their distinctness from the majority. The neo-nativist position on the citizenship identity axis is one of great tension. More because of their fear of losing their supremacy than in order to defend the integrity of

the Constitution, the monoculturalists cannot accept any legislative or administrative measure designed to support or promote distinct identities. They cannot accept the balance of power in civil and political participation, which is in their favour, being changed in any way to give members of minorities access to public office.

The position taken by the **Americanizers,** whom Kincheloe and Steinberg (1997) call liberal multiculturalists, differs fundamentally from that of the neo-nativists in that national identity, as they define it, is not a WASP one. At several points in the first part of our study we described the state of American citizenship with the help of the extensive, accurate documentation in J. L. Miller's study (1998). However, we always made a distinction between the facts he reports and his commentary on those facts. We did so because Miller is an Americanizer, advocating a position on the citizenship identity axis that is also one of high tension.

"American citizenship has more to do with beliefs than bloodlines. American citizenship is rooted in dedication to a set of political principles that involve commitments to the Constitution; the rule of law; and the individual rights of life, liberty, and the pursuit of happiness. Its origins are found in political principles, as opposed to racial or ethnic ties. Citizenship also includes a few cultural corollaries, such as the ability to speak English (or at least broken English). Because this definition of American citizenship does not make reference to biological ancestry - as the citizenship of most other nations implicitly does - it has allowed people born outside the United States to arrive on its shores and over time to become American citizens. The struggle to become American is the process of assimilation, and assimilation is a vital part of keeping this nation of immigrants a whole" (Miller, 1998, pp. 6-7).

As ardent assimilationists, the Americanizers are alarmed by the fact that the great period of assimilation of the first half of the century is unfortunately over and that it is now necessary to rekindle the shaken faith of those who once believed it was possible to Americanize all new immigrants:

"The liberal version of multiculturalism believes that individuals from diverse race, class and gender groups share a natural equality and a common humanity. An intellectual sameness exists that allows different people to compete equally for resources in a capitalist economy[...]. The reason for the inequality of position that exists across these groups involves the lack of social and educational opportunities to compete equally in the economy - not differences characterized by conservatives as deficiencies "(Kincheloe and Steinberg, 1997, p. 10).

The Americanizers accept anybody who succeeds in a system of unfettered competition as a full-fledged American. Their concept of national identity is not ethnically based like that of the neo-nativists; their list of demands is based on a civic, not an ethnic, concept of national identity. They are ready to accept anybody who buys into the Americanization program, whatever his or her background may be. They are against any changes to the rules of the free market. Miller presents their list of demands in what he calls an "Americanization manifesto." Each of the section headings in the chapter on the manifesto signals an attack, as was to be expected, on all the measures that, in the Americanizers' view, hinder the play of free market forces and delay or prevent assimilation:

"Embrace colorblind law"; "Pull the plug on bilingual education"; "English first in the voting booth"; "Replace" One person, no vote" with "One person, one vote"; "Strengthen the naturalization process"; "Permit English work rule"; "Deny welfare to noncitizens"; "Forbid the cultural defense"; "Reduce illegal immigration"; "Warning : avoid the trap of official English."

In other words, all the existing legislative and administrative measures introduced to take account of ethnocultural characteristics (see first part, especially point 3) are contested. National identity as characterized by the liberal constitutional model must prevail over specific identities. The Americanizers have no intention of establishing connections between membership in social and ethnocultural groups, the system of rights, and civil and political participation. They are opposed to all the concessions made to the multiculturalists. In their view, those concessions granted collective rights running counter to American civic culture, which recognizes only the individual rights enshrined in the Constitution. Specific identities are a private matter and do not have to be taken into consideration in the public domain,

dominated as it is by market forces. They certainly should not be recognized by changing the rules of the marketplace for the benefit of minorities. They are opposed to the present system of rights, which gives special rights to minorities and provides for changes to political institutions to promote representation of minorities, calling instead for a return to a system of rights and a political process and structure that are as consistent as possible with the letter of the Constitution.

For all the very significant differences between the neo-nativists, and the Americanizers' concepts, they have one point in common: on the citizenship identity axis, national identity must clearly take precedence over all specific social, ethnocultural and national identities. As has been clearly demonstrated in the first part of the study, the multiculturalists are against any concept of citizenship that gives such significant precedence to a homogenizing type of national identity.

The multiculturalists contend that membership in specific groups and distinct identities must be safeguarded because they are legitimate components of national identity. They staunchly defend the principle of equality and the syncretism of national identity, but they interpret equality as the right to be different and to benefit from special measures to compensate for the inequalities caused by others' rejection of difference. During the nineties they have been very active in the political and judicial arenas and they have won many measures to compensate for difference-based inequalities as well as institutional recognition of specific identities. In order to describe the multiculturalist position in more detail, we must first specify what kind of multiculturalism we are talking about. Kincheloe and Steinberg (1997), among others, have identified three multiculturalist concepts.

The kind of multiculturalism conflicting the most heavily with concepts of national identity that aim to conceal ethnocultural, class, gender and sexual orientation differences is what Kincheloe and Steinberg call the "left-essentialist multiculturalist" position. It is the most radical position in its expression of identities and its demands for equality along with difference. Its advocates are trying to use their civic rights to maintain the specific identities that make them essentially different from the white Anglo-Saxon male heterosexual identity:

"Essentialists tend to define themselves and their relationship to their groups around their authenticity as a conservative Christian white American (in a right wing sense) or individual of African heritage who advocates Afrocentrism (in a left-wing sense); left-essentialist multiculturalists often connect difference to a historical past of cultural authenticity where the essence of a particular identity was developed - an essence that transcends the forces of history, social context and power. Such essences can become quite authoritarian when constructed around a romanticized golden era, nationalistic pride and a positionality of purity that denies complications of competing axes of identity and power such as language, sexual preference, religion, gender, race and class" (Kincheloe and Steinberg, 1997, p. 20).

The authors go on to explain why this form of multiculturalism conflicts so strongly with a national identity that they feel has been ethnicized by one particular culture:

"This essentialist tendency for romanticization produces a form of moral superiority among group members that sometimes translates into a form of knowledge production that streamlines the complexity of history. In some academic circumstances essentialist multiculturalism merely stands the traditional canon on its head, producing a dominant-culture-is-bad marginalized-culture-is-good inverse dualism" (p. 21).

The tendency to celebrate the authenticity of identity in isolation leads directly, and perhaps intentionally, to a divorce from the dominant culture:

"In their valuing of the power of authenticity, essentialist multiculturalists often assume that only authentically oppressed people can possess moral agency. This moral agency or "oppression privilege" positions subordinated people with a particular set of "natural" experiences as the only individuals who have the authority to make particular criticisms. In such a setting a white person would not have the moral authority to criticize a Latino or a man would be prohibited from criticizing a woman" (p. 21).

In its most extreme form, radical multiculturalism isolates specific ethnocultural groups from one another. The less radical "pluralist multiculturalism," on the other hand, promotes interculturalism, the mutual valuing of specific identities:

"In the context of the identity politics that have arisen in Western societies since the liberation movements of the 1960s, advocates of pluralism argue that democracy involves not merely the concern with the rights of all citizens but the history and culture of traditionally marginalized groups as well. [...] Diversity becomes intrinsically valuable and is pursued for its own sake to the point that difference is exoticized and fetichized. The curriculum emerging from this position insists that in addition to teaching students that they should not hold prejudices against others, diversity education means learning about the knowledge, values, beliefs and patterns of behaviour that demarcate various groups "(p. 15).

From this standpoint, there is no divorce from or major conflict with the dominant culture. On the contrary, diversity education is the key to good relations between ethnocultural groups:

"Pluralist multiculturalism in the name of diversity calls for students and other individuals to develop what might be called a "multicultural literacy." Such a literacy would allow men and women from mainstream dominant culture the ability to operate successfully in subcultures and culturally different situations. At the same time, students from culturally different backgrounds would learn to operate in the mainstream culture - an ability, pluralist multiculturalists argue, that is essential in their effort to gain equal economic and educational opportunity" (p. 16).

Because advocates of this position promote the peaceful coexistence of distinct groups through greater knowledge of and respect for one another's characteristics, this position focuses more on avoiding conflicts than any of the others on the citizenship identity axis. The focus is so strong that advocates of this position rarely call for a system of rights to protect cultures and measures ensuring substantial political representation of minorities. Harmonious intercultural relations should be enough to ensure the social advancement of minorities in a context of individual social advancement based on the laws of the marketplace. This is the form of multiculturalism that comes closest to the Americanizers' position.

The third type identified by Kincheloe and Steinberg is "critical multiculturalism." Its advocates criticize pluralist multiculturalism for its tendency to depoliticize the relations between minorities and the majority and to ignore the significance of the balance of power that systematically generates and maintains inequality at minorities' expense:

"Indeed, pluralist multiculturalism has gained influence at the same time that poverty has been feminized, material circumstances for many blacks from the lower and lower-middle class have alarmingly deteriorated and the economic disparity between rich and poor has intensified. As these tragedies have occurred, pluralist multiculturalism has helped to generate the impression of upward mobility for women and non-whites" (p. 16).

As this excerpt suggests, critical multiculturalism draws heavily on the problem of social and economic inequalities and their effect on minorities. Its proponents contend that, for harmonious relations to exist on the citizenship identity axis, there must be a system of rights and civil and political participation to enable people to fight effectively against inequalities. In the terms of the conceptual framework itself, this concept reflects a search for maximum reconciliation of the four main components and a belief that the best balance between national identity and membership in specific groups can be achieved through a system of rights that gives minorities a greater measure of justice and fosters substantial political representation of minorities.

Understood in this light, the position of the Supreme Court justices who are in favour of a system of rights to counter socioeconomic inequalities and political underrepresentation is consistent with critical multiculturalism. The position taken by Judge O'Connor, author of a majority ruling (quoted by Lacorne, 1997, pp. 330-331), is a case in point:

"The unfortunate persistence of racial discrimination and its prolonged effects on minorities in this country is an unpleasant fact of life, and nothing prevents the government from taking action to remedy the situation" (Adarand vs Pena, United States Law Week, LXIII, 47, June 13, 1995, p. 4533).

O'Connor adds, however, that *"the racial categorizations used to justify preferential treatment must undergo the most rigorous assessment possible by the courts. Because they violate the principle of equality of all citizens, they must be used wisely, only in exceptional circumstances, and only where there is a compelling interest of state."*

When preferential treatment measures are geared specifically to their stated purpose, they do not infringe the principles of the Constitution and the citizenship identity and equality components can be reconciled.

Let us compare O'Connor's remarks with Kincheloe's and Steinberg's definition of critical multiculturalism, which is the position they advocate for a new multiculturalism:

"Changing multiculturalism, we argue, means moving beyond the conservative and liberal assumptions that racial, ethnic and gender groups live in relatively equal status to one another and that the social system is open to anyone who desires and is willing to work for mobility. Even though contemporary economic production in the West is grounded on unequal social divisions of race, class and gender, mainstream forms of multiculturalism have been uncomfortable using the term oppression - critical multiculturalists are not, as they argue vehemently in the spirit of W. E. B. DuBois, for equality and democracy in the economic sphere of society" (p. 25).

From this standpoint, minorities' egalitarian participation in national identity requires political representation and a system of rights that can effectively counter all kinds of inequality. Reconciling the two components on the vertical axis cannot circumvent the two components on the horizontal axis, the current system of rights and civic and civil participation, since they encompass the only aspects of citizenship that really help to bring about equality.

Nathan Glazer, the author of *We Are All Multiculturalists Now* (1997), may agree with this form of multiculturalism. In his book he points out the need for a concept of citizenship based above all on equality and justice, for only such a concept would be consistent with the American national identity. Glazer explains his support for multiculturalism as a necessity in the face of the gulf that has been growing even wider between blacks and whites over the last thirty years. He accepts that social justice and equality cannot advance without measures to help minorities break free of misunderstanding and economic poverty. At the same time, Glazer advocates a concept that he hopes will gain increasing support in the current debate. The concept is explained by authors such as David A. Hollinger, who dubs it *postethnic America.*

Hollinger rejects all the concepts that we have examined thus far. He rejects neo-nativism because it reinforces white domination and the discrimination that keeps it alive. He rejects the position of the Americanizers because they turn a blind eye to the obvious link between class inequalities and ethnoracial membership. He rejects essentialist multiculturalism because it maintains that blacks can improve their situation only by asserting their identity against American identity. He rejects pluralist multiculturalism because it has deluded itself into thinking that the problem of inequality can be solved through intercultural harmony. He seems to be less opposed to critical multiculturalism, since it brings out the relationship between identities and the balance of power underlying inequality. In his view, the problem with critical multiculturalism is that it is still wedded to a view that reinforces differences between identities in civil society.

In short, Hollinger is above all opposed to a concept of American society in which distinctions and conflicts between identities cannot be mitigated or one in which such problems are ignored, as in the case of the liberal position. Glazer neatly summarizes the main points of the postethnic thesis:

"If I were writing in a normative mode - what is best, what do I prefer, what do I propose for America concerning its ethnic and racial diversity - I would say more or less what David Hollinger and others who respect the diversity of American origins but appreciate fully the power of the integrating values of our common society say: Let us have respect for identity in the context of a common culture, but let us avoid the fixing of lines of division on ethnic and racial bases. Let us accept the reality of exit from an ethnic-racial-religious group, as well as the right of differential attachment, as a common American way, and let us agree that ethnic and racial affiliation should be as voluntary as religious affiliation, and of as little concern to the state and public authority. Let us understand that more and more Americans want to be Americans simply, and nothing more, and let us celebrate that choice, and agree it would be better for America if more of us accepted that identity as our central one, as against ethnic and racial identities" (Glazer, p. 159).

The postethnic position is difficult to grasp and define because of the fine distinctions it makes. It does not reject ethnic identity as a component of society, but it emphasizes that it is not the only form of membership in society. Americans must value citizens' multiple affiliations and at the same time reject the idea that membership in an ethnoracial group by dint of birth is a prescribed identity that cannot be shed:

"Postethnicity prefers voluntary to prescribed affiliations, appreciates multiple identities, pushes for communities of wide scope, recognizes the constructed character of ethnoracial groups, and accepts the formation of new groups as a part of the normal life of a democratic society. [...] A postethnic perspective challenges the right of one's grandfather or grandmother to determine primary identity. Individuals should be allowed to affiliate or disaffiliate with their own communities of descent to an extent that they choose, while affiliating with whatever nondescent communities are available and appealing to them" (Hollinger, 1995, p. 116).

It is Hollinger's definition of a common culture that is most difficult to grasp clearly. He insists that the trap of abstract universalism must be avoided on this issue. The United States is a country with its own reality and identity, which postethnicists obviously refuse to tie to a specific ethnic culture, even the dominant one. The following statement gives a clear indication of what American identity means from this perspective: *"We might bring these affiliations down to political earth, and enable them to find a place within postethnic nationality, if we instead understood these various and shifting affiliations as publics nested within a larger public that is the polity of the United States. "The concept of a public," philosopher Nancy Fraser points out, "presupposes a plurality of perspectives among those who participate within it, thereby allowing for internal differences and antagonisms, and likewise discouraging reified blocs"* ." Thus Hollinger's concept of common culture seems to be composed primarily of the political culture regulating debate within the American political community as it strives for consensus on how to build a common future: *"The national community's fate can be common without its will being uniform, and the nation can constitute a common project without effacing all of the various projects that its citizens pursue through their voluntary affiliations "* (p. 157).

The quotation below is a model of clarity on the subject:

"A postethnic perspective invites critical engagement with the United States as a distinctive locus of social identity mediating between the human species and its varieties, and as a vital arena for political struggles the outcome of which determines the domestic and global use of a unique concentration of power. Such an engagement with the American nation need not preclude other engagements, including affiliations of varying intensity and duration defined by material or imagined consanguinity. A virtue of the term postethnic is to distinguish the perspective on American nationality sketched here from any reversion to a preethnic perspective on that nationality, according to which the general question of the ethnos is dismissed rather than critically addressed and the specific issue of ethno-racial identity is suppressed by a monolithic "100 percenter" notion of American citizenship. Being an American amid a multiplicity of affiliations need not be dangerously threatening to diversity. Nor need it be too shallow to constitute an important solidarity of its own" (p. 163).

This is how Hollinger ends the book proper. In the epilogue, he brings out an additional linkage between the postethnic perspective and the problem of social inequality. His viewpoint is clear: the problem should not be defined in terms of ethnoracial minorities. It is a general problem of American society, which after all includes twice as many poor whites as poor blacks. It is to be treated as a problem of society as a whole, not one of specific groups. In Hollinger's opinion, multiculturalism, particularly in its critical form, will remain an ideological trap as long as its leaders feel that they have to emphasize the victimization of blacks in order to win a greater measure of social justice.

The postethnic perspective, which we have all too briefly outlined above, is completely different from the five other perspectives, which are recognized as the most popular ones. It is presented as an alternative to multiculturalism and at the same time as a movement that does not neglect problems of inequality or align itself with the Americanization position, which refuses to regard the problem of inequality as a problem of society.

CHAPTER 2: CITIZENSHIP IN FRANCE[2]

I - Characteristics of citizenship

1. National Identity

Understanding citizenship in France requires an understanding of the concept of the "nation" , something which has to a large extent become a cult in French society (Schnapper, 1998b) and upon which modern France is unquestionably based. Numerous authors specializing in citizenship, such as Wieviorka, Tourraine, Schnapper, to name only a few, make systematic reference to it from the perspective of sociology and political philosophy to describe French society.

Citron (1998) notes that before the 1789 Revolution, the term "nation" , in its original Graeco-Latin meaning, designated a community of individuals with a cultural, ethnic and religious basis. In this sense, one referred for instance to the Jewish or gascon "nations" , but the term "nation" was also used to designate a Francophone, aristocratic and bourgeois elite minority. In the eighteenth centruy, the Age of Enlightenment in Europe made the nation independent from the throne and the National Assembly's declaration in 1789 led to sovereignty being transferred to representatives of the nation.

As of the nineteenth century, France defined itself as a nation-state, as did Germany. While the latter defined its nationhood culturally and linguistically, France emphasized instead a voluntary and political approach, inspired by Ernest Renan in his 1871 speech on "What is a nation?" [Transl.] (Citron, 1998).

1.1 Civic culture

France is a secular Republic. This principle is declared in the laws of Jules Ferry as of 1882 and 1885 which, in addtion to making school compulsory, removed all denominational elements from education, and instead of teaching religious morality, instituted civic and moral education. The secular nature of the State is reaffirmed in the 1905 law on the separation of the Church and State, removing from the State any ties to a specific religion and declaring that "the Republic does not recognize, fund or subsidize any religion or belief" [Translation]. This principle did not apply in the Alsace or the Moselle where, for historical reasons, a concordat system still exists (Haut conseil à l'intégration, 1992). As the HCI (1992) and Lorcerie (1996) emphasized, however, the term "secular" did not appear in official documents or acquire its constitutional status until 1946, when it figured in the Preamble to the Constitution.

France's fundamental legal documents set out the basic principles of democracy from which the definition and protection of civic rights derive. Under the 1789 Declaration of Human and Civic Rights, all individuals are born free and equal in rights and duties. Section 10 of this declaration stipulates that "no one should be troubled about his opinions, even religious ones, provided that their expression does not disturb the legally established public order" [Translation].

After World War II, the government of the day made it a high priority to reiterate the major principles of democracy expressed in the Preamble to the Constitution of October 27, 1946. It stipulates in particular:

" (...) the French people once again proclaim that all human beings, without reference to race, religion or creed, possess inalienable and sacred rights. The people solemnly reaffirm the Human and Civic Rights consecrated in the Declaration of Rights of 1789 and the fundamental principles recognized by the laws of the Republic.

The people furthermore proclaim, as particularly necessary to our time, the following political, economic and social principles:

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[2] Researched and written by Coryse Ciceri, doctoral candidate in Applied Social Sciences at the Université de Montréal, with considerable assistance from France Gagnon and Michel Pagé.

The Nation guarantees equal access for children and adults to education, professional training and culture. The State has a duty to organize free and secular education at all levels.

The French Republic, faithful to its traditions, shall observe the rules of public international law. France will not engage in any war of acquisition and will never use its forces against the liberty of any people. "

The definition of France as a democratic and secular Republic, and the protection of the right to equality and liberty figured again in Section 2 of the 1958 Constitution, which states:

"France is a Republic, individible, secular, democratic and social. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs."

1.2 Social culture

Pursuant to the 1905 law, all public institutions, their standards and staff must be secular. Public services must therefore remain completely neutral with regard to any type of faith, opinion or conviction (HCI, 1992). Similarly, churches are not permitted to alter the character of institutions or exert influence on them.

The key institutional characteristics of France are without doubt social unity and the centralization of policy, following the Jacobinical model, and of government bodies, which are all located in the capital.

Unity and the process of unification are predicated in particular on the use of a single language, the same institutions and the socialization of individuals in a public education system which provides identical educational content to all students. School is no doubt the institution which has contributed the most to France's linguistic unity, and to its political and social unity (Dubet, 1997).

Universal education was instituted at the end of the nineteenth century under the laws of Jules Ferry. In addition to making school compulsory for all children, these laws were intended to initiate a process of national unification, in particular by making French the language of instruction, by replacing religious instruction with civic and moral instruction, and by providing identical educational content to all students. In these terms, education sought to wipe out local characteristics and promoted a model of socialization based on the creation of specific ties among individuals, the interiorization of shared values and the sharing of a common past and identical standards (Dubet, 1997). In a secular and neutral society, all students were also to be treated equally by the educational institution.

This concept of education still prevails and does not in principle allow any room for what in North America is commonly known as "reasonable accommodation" , which affords a degree of recognition to cultural and religious diversity.

France is also an extremely centralizing society, in which the State exerts major control over every aspect of public life. In the last twenty years, however, there has been a desire to re-establish ties between the politial centre and the fringes, thanks in large part to the creation of regions which function as intermediaries between the national and the local community (Dupoirier, 1998). This trend was triggered in particular in the early 1980s by the decentralization law, which transferred certain powers to the regions - or "territorial communities by right" (Dupoirier, 1998) - so as to better manage the economic crisis and plan solidarity policies. Considering however that regions are at present in direct competition with the State with regard to the production of goods and services, economic development and political and social integration - all the more so now since they have been designated by the Council of Europe as a vital tool in addressing territorial inequalities - they have administrative autonomy, but not governmental autonomy (Dupoirier, 1998). Under the Constitution, all decisions they make must be consistent with the laws of the Republic. Nor are they cultural communities, and they have no jurisdiction over education, for instance.

The 5th Republic created significant stability in public institutions in particular by authorizing the permanence of management teams for administrative services. In a country as highly centralized as France, however, public administration carries considerable weight and in all respects is "the everyday

face of power" [Translation] (Schultz, 1987). Public servants have permanent status, regardless of their duties. Most senior public servants make up a small and homogeneous professional corps, as they all graduated from the same big schools, such as the *École polytechnique* or the *École nationale d'administration* (ENA).

Since 1992, French has been constitutionally recognized as the national and official language of the French Republic (Fournet, 1998).

Journalism in France is characterized by the expression of opinion, and the description of facts is less imporant than analysis of the context. This approach is encouraged by the state monopoly on information services, such as Agence France-Presse.

A hundred or so national and regional newspapers are published daily in France, even though it might be said that the market for daily newspapers is stagnating due in particular to a lack of interest on the part of people who by far prefer television (Schultz, 1987).

The national dailies are always from Paris. The best known of these, *Le Monde*, *Libération*, *l'Humanité* and *Le Figaro* have a political focus. *Le Monde*, which is considered by far the best newspaper for information, is moderate left; *Le Figaro* favours a centre-right analysis; *Libération* is socialist and *l'Humanité* is an organ of the Communist Party. The *Parisien libéré* and *France-soir* are also national newspapers, less well-known abroad, which clearly support the government. Finally, *La Croix* represents Catholic journalism.

Parallel to the national press, there is an independent regional press, with little political focus, which has developed a loyal clientele by specializing in regional news and because of its critical print coverage, of which *Canard enchaîné* is the most representative example.

1.3 Heritage

National identity should not be regarded as a state but rather as a process, a structure which changes over time and through history (Schnapper, 1998a). France is the product of a common, secular history, based on a learned culture which helped lay the foundations for collective representation and a view of society expressed through the continuity of historical memory.

A survey conducted in 1993 on the attachment of the French people to their national heritage showed that 80% of them enjoy visiting historical sites, 77% are proud of them and 61% feel rooted in their heritage. The respondents considered their heritage to include castles, churches, period homes, archeological sites, historical works of art and, for many, natural sites (78%), songs and trades (65%). Heritage was increasingly regarded as a collective asset which should be accessible to everyone without any commercial element. This attachment to heritage is interpreted by analysts as evidence of, "a political reconciliation, [an] appeasement of the relationship to history and national identity, [an] occupation of the cultural space left open by religion" [Translation] rather than "the sign of clinging to the past or 'intellectual obsolescence' " [Translation] (Journet, 1998 : 302).

In addition to this factual data, the symbolic vision of the French nation derives from a great many myths which have been more or less dropped through various periods in history in favour of new epics and as a result of the emphasis historians have given to certain events at the expense of others. Two central, recurring myths can nevertheless be identified as central to the birth of the nation (Citron, 1998). The first myth confers Trojan descent on the first kings of France, the Franks. The second refers to the holy baptism of Clovis I, who is thereby cited as the first Christian king of France. The legend tells of a dove at the ceremony bearing a vial of holy oil, which in turn ensures the divine lineage of the royal family.

Of course royalty ceased to exist in France in the 19th century and the French Revolution of 1789 is often viewed as a recent founding myth. Noiriel (1988) argues that the revolution did not shape society since the "the institutional framework of the French nation (language, administration etc.) [had been] created long before the Revolution" [Translation] (p. 24). The Revolution did nevertheless contribute to the centralization and unification of the country and brought France into the era of contemporary nations.

The *Front national* draws on the myth of the French nation, which it presents as a natural community, a biological and cultural reality which transcends the individual and has emerged over the generations (Meyer, 1998). Its ideology and political discourse are based on the assertion that French identity is threatened by immigration and by Europeanization, which are viewed as an opening for the arrival of new foreigners. In the most recent program published by the *Front national*, entitled "300 measures to achieve the re-birth of France and strengthen French identity" [Transl.], the movement essentially attacks globalization and any form of globalization and multiculturalism as factors leading to the uprooting, decline and negation of the nation (Meyer, 1998). It is also interesting that the *Front national* chose as their symbolic emblem the historical heroine Joan of Ark, who saved France from the English Invasion in the 15th century. The movement celebrates this symbol on May 1, Labour Day, through demonstrations, patriotic marches and national meetings.

The assertion that France existed, which the current *Front* does in particular, posits a mythical anachronistic past drawing on successive periods in history, the evolution of mores and customs, the transformation of recognized values, the contribution made by the diverse heritage of the people who settled the land. As a result, being French in the 16th century was not the same as being French in the 19th or 20th century (Schnapper, 1998a).

1.4 Patriotism/Allegiance

In present times, national identity no longer requires absolute patriotism with regard to the nation and the fatherland as it did in the past, when individuals were called upon to make sacrifices to preserve the nation. Compulsory military service for all boys of at least 18 years, which was a symbolic expression of this patriotic service through thought and deed, was abolished in 1996 in favour of a volunteer army.

Dual citizenship is permitted in France, allowing individuals to express dual loyalty to their culture of origin and the host country.

2. Social, cultural and transnational identification

2.1 Focus of identification

As a result of the division between private and public life on which French society is based, citizenship in France is interpreted individually. The public sphere is where unity among citizens is expressed, while the private sphere is where rights are expressed (Schnapper, 1998a). In private life, individuals may freely practice their faith, speak their language and remain faithful to some degree to their own culture, provided that this does not call into question the rights of other individuals or challenge public order. In the public sphere, however, everyone must comply with rules which apply uniformly to all citizens. There is no room for expressing individual preferences and no recognition of specific communities (Haut conseil à l'intégration (HCI), 1991). The relationship between the individual and the State is direct, and is governed through public institutions:

"As a unique and indivisible entity, France is a mental construct, a mobilizing myth. Under the definition of the nation-state, it is nevertheless the primary identity which takes precedence over all others in terms of allegiance. Between the State and its citizens, nothing can as a rule intervene against the expression of national will as decreed by the National Assembly and the laws of the Republic in the interest of territorial or community identification " [Transl.](Allemand, 1998a : 311).

National identity is however not exclusive. Some people even believe that it is being called into question (Allemand, 1998a). The recognition of regions supported by the decentralization policy launched in the 1980s shifted identification from a national to a regional focus. Individuals no longer identify with the nation but rather with their region, community or district, since these are specific places, while France and the State are abstract entities. Moreover, "the regional community is in a better position to identify problems" [Translation] (Allemand, 1998a,: 309) and, as a result, to provide clear and immediate answers. Numerous measures have been taken, especially by regional councils, leading citizens to a better appreciation of the regional level. It was found that, between 1986 and 1992, individuals identified

less with France (-12 points) than with their community (+ 9 points) or region (+ 2 points) (Dupoirier and Schajer, 1994). Regional identity is still not generalized though since, just as national identity emerged gradually over the centuries, individuals need time to "feel anchored in a shared history, to define the way they live together over time within that region" [Transl.](Allemand, 1998a: 309). Regional divisions imposed by the State are often artificial, and there is gravitation around the major urban centres which have their own history, are closer to individuals and restrict the development of true regional identification (Allemand, 1998a).

Certain regional identities in France have greater rallying force, especially in Alsace, Brittany, Corsica and Basque France. These regions, assert claims, sometimes forcefully, especially in Basque France and Corsica, for regional autonomy and recognition of the distinctness of their culture and heritage. The push to have Corsicans recognized as a people was rejected in 1992 pursuant to the Constitution (Dupoirier, 1998). But such claims for political autonomy are often so forceful, sometimes including terrorism, that these movements are more akin to nationalism than identity conflicts (Thual, 1998). As we saw however, the regions will from now on enjoy greater recognition even though their jurisdiction is limited to administrative matters. Europe has become a new ally since it gives the regions institutional representation through the Committee of European Regions (Dupoirier, 1998). The pluralist principles of the European legal system also give the regional claims new means of exerting pressure on the State to bend from its traditionally rigid position (Fournet, 1998).

As to existence of European identiy, the majority of surveys of Europeans show that they are a long way from considering themselves as European. They do however show relatively stable confidence in the institutions of the European community; they are identified as Europeans whenever they travel the continent; the European flag of stars on a blue background is flown alongside the national flag; sectoral policies have been implemented and cultural communities have begun a process of Europeanization, in particular, by extending university exchange programs and creating media focussed on Europe (Allemand, 1998b). Moreover, monetary union will be in effect as of January 1999. In spite of this, Europe still seems to be a remote concept, and identification with this supra-national entity is apparently still achieved through local and regional identity, thanks in particular to twinning policies which link various regions.

2.2 Relative importance of diversity

Having accepted immigrants for many years, France is a highly diverse nation, both socially and culturally. While its borders have been officially closed to all economic immigration since 1974, it continues every year to welcome a singificant number of foreigners. With the Maastricht Treaty, France has now become part of *the* globalizing political force of the European Community. It continues to be the host country for all nationals from member countries who, as of January 1, 1993, can travel freely and settle as residents of EC members states. At the same time, it is still receiving immigrants from outside the community under the categories of immigration which are still open, such as family reunification and special refugee programs. Finally it also hosts temporary immigrants as foreign students and seasonal workers. According to the latest estimates (Lebon, 1998), France showed the following figures for 1996:

73,983 foreigners arrived (permanent immigration)
15,950 students arrived (temporary immigration)
17,405 applicants for asylum arrived (temporary immigration)
8,766 seasonal workers arrived (temporary immigration).

Until very recently, statistical data in France did not reflect religious beliefs or ethnic origin, as this was considered discriminatory and an infringement on human rights. The only acceptable variables were "foreigner" (by nationality), "French by birth" , "acquired French citizenship" (became French), and then the category of "immigrant" , combining nationality and place of birth, was introduced (Thave, 1998). But these variables do not capture the reality, especially as regards analysis of the integration process, and led to confusion between "foreigners" , "immigrants" and "individuals of foreign origin" . Through a major study of immigration in France conducted recently by Michèle Tribalat (1995), new measurement criteria were introduced, including "ethnic membership" , using the variable of "native language" , and "ethnic origin, using" parents' country of birth" . But the variable "religion" remains unacceptable.

An analysis of the 1990 census data (Thave, 1998) showed that the most numerous ethnic communities in France were primarily, in decreasing order, originally from Portugal, Algeria, Italy, Morocco and Spain, accounting for 60% of the immigrant population. Fifty percent of immigrants were of European origin.

The majority of immigrants had come for economic and famiiy reasons, and settled in major industrialized urban centres rather than more rural areas. One-third lives in the Paris area, and two-thirds live in urban centres with a population of 100,000. Immigrants live primarily in the following areas, which are primarily in eastern France: Île-de-France (Seine-St-Denis and Paris), Corsica, Rhône-Alpes the Upper Rhine and the Moselle (Thave, 1998).

3. Effective system of rights

3.1 Rights

Before listing the various types of rights protected by French legislation, we would like to provide a few details on the process of acquiring citizenship in France since in recent years it has been the subject of significant political and media debate, culminating recently with the act of March 16, 1998 being passed into law.

By acquiring citizenship, an individual acquires all the rights of every other French citizen. From a legal point of view, this process of acquiring citizenship is governed by the Nationality Code [*Code de la nationalité*]. According to the Haut conseil à l'intégration (1991), the legal criterion for considering individuals in France is based on the simple distinction between "national" and "foreign" . There are two intermediate terms, which are more sociological - the "immigrant" and "individual of foreign origin" :

- A *foreigner* is someone who lives in France but does not have French nationality.
- An *immigrant* is someone born abroad, who entered France and lives there permanently. The immigrant either has not acquired French nationality and has remained foreign, or has become French;
- An *individual of foreign origin* is a recent notion, introduced in the statistical quantification by Michèle Tribalat (1995) and designates a person born in France of a parent or grandparent who was born abroad and immigrated.

In 1791, after the French Revolution, the *jus soli* - or law of the soil - was enshrined in the Constitution. This right means that every individual - and his descendants - born on French soil and residing there, has French citizenship, as an inalienable right (Weil 1997). It was however the law of 1889 which established the modern right of nationality by linking the law of the soil and the law of blood. Children born in France or abroad of French parents are French; children born in France of foreign parents automatically become French at the age of 18 if they have lived in France for at least the last five years; children born in France of foreign parents born in France are considered French at birth (Gaeremynck, 1998). This right would be systematically applied until July 1993, when nationality legislation was profoundly reformed.

This reform challenged the law of the soil (Van der Motte, 1997) but not the right of interested individuals to become French (Gaeremynck, 1998). It applies to anyone wishing to acquire citizenship, but engenders significant differences in terms of the new procedures it imposed for individuals born in France of foreign parents. It was no longer enough to be born in France to become French. A process of "expressing the wish" to become a citizen was then required. Applicants had to make a formal and personal request to be naturalized before a judge of the court of first instance or authorized administrative official such as a prefect, mayor or gendarmerie brigade commander (Costa-Lascoux, 1993; Van der Motte, 1997). This process must be completed between the ages of 16 and 21, and does not require approval of a parent or guardian. The applicant must produce evidence of having lived in France for at least the last five years, and of not having been subject to a conviction or explusion order. If an individual is refused citizenship, the applicant may appeal to a higher court within six months of the notice of refusal. An individual who acquires citizenship enjoys all the rights and is required to respect all the obligations of a French citizen (Van der Motte, 1997).

This reform was harshly criticized for several reasons:

1. It challenged the right of the soil;
2. It emphasized obstacles to acquiring citizenship. The main problem for young people aged 16 and over was producing evidence of their residence in France for at least five years prior to the application. Failure to produce such evidence was the reason for refusal in 42% of cases in 1996 (Weil, 1997). This problem affects individuals who left school at the age of 16, the end of compulsory schooling, left France for a certain period to travel, or were unemployed. In every case, a young person who was unable to demonstrate his ties to an institution was unable to clearly justify his residence and was denied citizenship.
3. It prevented foreign parents from conducting this process on behalf of a child under the age of majority;
4. It made children born in France foreigners and hampered their integration by leaving them without official status up to a minimum age of 16 (Costa-Lascoux, 1993; Van der Motte, 1997).

In 1997, upon his arrival in office as Prime Minister, Lionel Jospin gave Patrick Weil the mandate to analyze the real impact of the reform of nationality legislation. A report entitled "La République et ses 'immigrés' " [The Republic and its 'immigrants' "] made several recommendations for potential reform. It was then embodied in the law of March 16, 1998, which combined the acquisition of citizenship without a formal statement and the declarative system. From then on, children born in France of foreign parents could once again acquire French nationality without a formal process of "expression of interest" if they had lived in France for at least five years from the age of 11. Individual expressions of interest could nevertheless be made to acquire citizenship before the age of majority, either at the age of 13 on the parents' initiative with the child's consent, or at 16 years at the child's own initiative without the parents' consent (Gaeremynck, 1998).

The latest legislation dated May 1998, the "Loi Chevènement" , is intended to control the conditions for entry and residence in French territory (*Le Monde*, May 14, 1998).

- *Fundamental rights*

Especially since the end of World War II and the mid-1960s, France has developed a broad range of laws, orders and legal and administrative documents intended to protect human rights. These rights are guaranteed in the Constitution. They include essentially equality, freedom of thought and belief, respect for family life and the right to education.

As a signatory nation to the Geneva Convention (1951), France must institute procedures to provide access to refugee status and to grant maximum protection to foreigners with this status (Gaeremynck, 1998).

France is a signatory to the European Convention for Protection of Human Rights and Fundamental Freedoms (1950) which stipulates that:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

Moreover, French legislation suppresses acts of discrimination and racism in various arenas of public and daily life.[3] As a signatory to the International Convention on the Elimination of all Forms of Racial Discrimination (1965), France is committed to taking adequate measures to protect and ensure effective

[3] There are far too many documents pertaining to discrimination and demonstrations of racism to be listed here. For this information, see the articles by Costa-Lascoux (1991) and Rappaport (1991).

avenues of recourse for individuals who suffer discrimination. The anti-racism law, unanimously passed in June 1972 and effective as of July 1 of that year, strengthens that commitment. This law stipulates in particular:

"That it is prohibited, subject to punishment, to incite discrimination, hatred or violence against anyone, either individual or group, for reasons of origin, membership in an ethnic group, nation, race or religion.

And that anyone who slanders or insults others for these reasons shall be answerable to the law.

Any authority or public servant refusing a right to an individual on the basis of that person's origin, are subject to conviction.

Anyone refusing to provide a service, good or employment shall be subject to punishment as provided for in the law." [Transl.] (Rappaport, 1991 : 61-62).

Since it came into effect, however, other legal decisions had to be made to address situations not covered by the 1972 legislation (Rappaport, 1991; Costa-Lascoux, 1991). These decisions include:

- the law of January 5, 1985 authorizing associations to plead before courts of assize for crimes motivated by racism;

- the law of July 2, 1990 making persons found guilty of discrimination ineligible for citizenship for a maximum of five years;

- the law of July 13, 1990 taking action against the denial of genocide and revisionist theories.

Under French law, slander and discriminatory injury of character are offences subject to a prison term of one month to one year and a fine. These same penalties are cited in a law pertaining to the press which states:

"anyone who, whether by his speeches, cries or threats uttered in public places or at public meetings, whether in written or printed material, drawings, engravings, paintings, emblems and pictures, or any other medium for the written or spoken work or image sold or distributed, put up for sale or exhibited in public places or at public meetings, either in placards or posters exposed to public view, or by any audiovisual means of communication, which directly incited discrimination, hatred or violence " [Transl.] (Costa-Lascoux, 1991 : 113).

The French penal code sets out four incriminatory actions or discriminatory omissions: refusal of goods and services, dismissal or refusal to hire, economic boycott, refusal to recognize a right (Costa-Lascoux, 1991).

- *Political rights*

France is a Republic governed by a presidential system. The current political system was established by the Constitution of the Vth Republic, which took effect in October 1958 following a referendum. It was revised in 1962 to provide for general elections to elect the President, by all citizens who were electors. The head of state is the President of the Republic, elected in general elections for a renewable seven-year term. He is the head of executive power. He appoints the Prime Minister as the head of government.

All French citizens of at least 18 years have the right to vote, but participation in elections is not compulsory. As of 1962, the Constitution of the Vth Republic provided for the President of the Republic to be elected in general elections, by all citizens.

Moreover, any citizen of the European Union residing in a member state but not a national of that state has since 1992 had the right to vote and is eligible for municipal election and European election in this

state, under the same conditions as nationals of that state (European Union, 1992).

- *Social rights*

The 1958 Constitution guarantees all individuals the freedom to defend their rights and interests through union activity and to belong to the union of their choice. Union membership is not compulsory, however, and cannot under any circumstances be grounds for hiring discrimination by the employer.

All French citizens have the right to work in national and European territory. The work of foreigners is governed by the labour code, which requires nationals from a country outside the European Community to obtain a permit to perform paid activity in France (Gaeremynck, 1998). Any individual without confirmed legal status may not be employed within French or European Community territory.

A foreigner residing in France for a long period of time can obtain a renewable residency permit with full rights every ten years (Gaeremynck, 1998).

To enjoy social benefits relating to health, labour and the family in France, individuals must be registered in a social contribution plan. Contributions are either deducted from salaries or paid directly by individuals, notably by non-salaried students of the age of majority. Children below the age of majority are considered dependents, and receive the same benefits as their parents.

Social rights include rights related to health insurance (insurance for sickness, maternity, disability), old age insurance, insurance for the death of a spouse, unemployment and family benefits. These social benefits are applicable for salaried workers in France, French citizens who are not employed and foreigners in regular situations (with a study or residency permit) whose countries of origin signed agreements with France. Nationals of EU countries are covered by the social security legislation of the member country where they are insured even if they are not nationals of that country (European Community, 1997).

Non-salaried workers such as craftspeople, tradespeople, manufacturers and professionals receive the same benefits but are not eligible either for unemployment insurance or occupational disability insurance benefits.

French law is about to make a significant shift with regard to recognition of the rights of persons living common law without being legally married, whether heterosexual or homosexual. The "PACS" project, or civic solidarity pact, is currently being debated in the National Assembly and should in all likelihood be passed in November 1998. This project would grant the same recognition to cohabitation as to marriage, and would extend the same rights and benefits available to married couples to de facto spouses. This shows a desire to improve legal conditions for de facto spouses who thus far could not claim any benefits from their spouse, in spite of their union. This project would also represent the first legal recognition in Frency law of homosexual couples.

- *Cultural rights*

In the interest of respecting individual freedom of conscience, and therefore freedom of individual religious observance, ideas and opinions, as a fundamental right enshrined in the Constititution, any individual may "manifest his religion or belief, individually or collectively, in public or in private, in worship, teaching, practice and observance" [Translation] (HCI, 1992: 37). In this regard, the 1905 law on the principle of separation between the Church and the State guarantees every individual the freedom to belong to the denomination of his choice, provided that this does not disturb public order. In addition to granting cultural freedom, it also protects freedom of conscience by suppressing any act of discrimination, defamation or appeal to violence based on beliefs or religious conviction.

This same law also institutes cultural associations related to belonging to denominations and intended to take charge of all aspects of spiritual life. This provision facilitates the introduction of religious teaching at educational institutions and authorizes local communities to contribute to funding and maintenance of their denominational facilities.

The 1905 law seeks to establish a compromise between politics and religion (HCI, 1992). While it grew out of a particular historical context marked by conflicts between the State and the Catholic Church - then the majority religion - the 1905 law has evolved greatly since its inception, allowing protestants and Jews to practice their religion. More recently, with the greater visibility of the religious fact in public life, the legal framework has changed and practical solutions have been found to give greater consideration to the specific characteristics and needs of religions of minority groups, sociologically speaking. Of these groups, Islam has some three million followers in France (HCI, 1992) and since 1989 has become the focus of the debate on compatibility between secular society and religious life, engendered by the controversy over wearing the Islamic scarf at school (Ciceri, 1998).

In addition, the Deixonne [sic] law adopted in 1957 is the first legislation recognizing regional languages and giving them an official place in public education, within the limited conditions established. The teaching of regional languages is still optional, depending on the willingness of teachers and conditional on the specific request of families and students (Fournet, 1998).

3.2. Programs and measures

With regard to the fight against racism and discrimination, it is deplorable that such extreme measures had to be taken as recourse to the legal system in order to make anti-racism measures relatively effective (Costa-Lascoux, 1991; Rappaport, 1991). It is also noteworthy that individuals suffering from discrimination in their daily lives may be afraid or ashamed to file a complaint (Costa-Lascoux, 1991; De Rudder et als., 1996). Nevertheless, the major obstacle at present to punishing daily acts of discrimination is the requirement of proof, given the difficulty of producing witnesses and identifying certain acts as being overtly discriminatory. Acts of discrimination occur in all spheres of public life, but are apparently most serious and frequent with respect to accommodations (Costa-Lascoux, 1991; De Rudder et als., 1996).

Acts of discrimination are difficult to quantify and identify, especially racist violence denounced by anti-racism associations, but which are not deemed as such under the penal code. Such instances of violence motivated by racism are regarded simply as attacks on property and individuals, since one of the basic principles of French law is not to incriminate the motive for an action (Costa-Lascoux, 1991).

Examples of civic action and administrative intervention to combat racism include the dissolution by higher courts of racist and discriminatory associations, closing their facilities and prohibiting their members from meeting. Moreover, the law of July 16, 1949 authorizes the Minister of the Interior to prohibit the sale or advertising of publications deemed discriminatory.

Changes made in response to the needs of religious groups, especially Muslims, include: greater tolerance of the creation of cultural associations and mosques; the decision by municipal authorities to set aside areas for Muslims in communal cemetaries; the adoption of special measures in the public service in recognition of religious holidays such as Ramadan.

While these measures demonstrate that national unity, which underlies the principle of the republic, is not incompatible with respecting diversity (Conseil d'État, 1989), the fact remains there are still obstacles to the expression of traditional religious sentiment in France and further effort is required. A degree of inequality in the treatment of religious groups persists in the school system. For instance, Muslims do not have the same rights as Catholics, protestants and Jews to operate private schools. While the Conseil d'État was officially open to negotiation on the wearing of the Islamic scarf in schools, the perception of veiled students is still branded with a degree of mistrust unfairly interpreted in many respects as a sign of Islamic integration which threatens democratic equilibrium. While some institutions reflect government recommendations on managing the visibility of the religious fact in schools, others are more likely to be inflexible and exclusive, and to reignite at any moment a new controversy about the Islamic scarf, while other symbols which are equally religious and may even carry ideological weight are tolerated.

To our knowledge, there are no "affirmative action" programs in France, as understood in North America, to the extent that such programs are deemed incompatible with the Constitution. The

Constitution stipulates with legal force that all individuals are equal, necessarily implying equality of treatment as the sole recourse in respect of this equality in principle. "Affirmative action" programs which would recognize the equality of rights but result in inequality of needs and direct or indirect structural discrimination based on individuals' social, ethnic or sociological group, would in France threaten the equality of rights which govern democracy and form the very basis of the Republic.

Beyond this normative limit, however, especially in the school system, since the mid-seventies, various programs and measures were instituted which took into consideration the specific academic characteristics of students, especially immigrant children considered to have greater difficulties in adjusting to the pace of school, who may then be more likely to drop out (Payet et Henriot Van-Zanten, 1996). Programs to help students learn French were instituted as of 1974, followed by the creation of programs teaching heritage languages and culture and the organization of training centres intended to raise teachers' awareness of their students' cultural characteristics. These programs and measures were therefore based on awareness of a need for "ethnic management" (Payet and Henriot Van-Zanten, 1996) to make up for difficulties encountered by individuals.

Since the late 1980s, however, this type of management has become structural through the legal creation of priority education zones (ZEP) in the school system. In the opinion of several analysts (Henriot-Van Zanten, 1990; Lorcerie, 1994), the ZEPs, instituted at a time of Adissolution of social ties "(Lorcerie and McAndrew, 1996) and struggle against exclusion, are a form of "affirmative action" , even if not officially recognized as such. The ZEPs are a division of the school system, which on the basis of certain social and academic criteria, consist of educational instutions deemed to have major difficulties within areas divided into zones. The objective of the ZEP is to introduce into education directives, axes of cooperation between educational teams and new external partners from socio-professional groups, associations and family groups and to find additional funding to implement special adjustment measures such as specialized academic support staff (Lorcerie, 1994). The identification of institutions takes into account such factors as academic success, social origin of students and location of the institution, and unofficially, ethnicity, to the extent that the proportion of foreign students educated there has an impact on the categorization of the institution (Henriot-Van Zanten, 1990).

There are two opposing trends at present with regard to recognition of the identity of the various ethnic and cultural elements of French society in school curricula. On one hand, the proponents of the republican ideal insist on the benefits of the Republic and assimilationist model as a way of guaranteeing the transmission of the "majority" French culture, which promotes shared values and also avoids the risk of creating a separate education project. On the other hand, some people denounce the ethnocentric focus of the educational system and advocate broadening curricula to include the full range of cultural and religious diversity (Payet et Henriot Van-Zanen, 1996).

With regard to recognition of regional languages, languages such as Breton and Alsatian are spoken in the same territory as the French language. While these languages do not enjoy the same status as French, they are nevertheless taught in schools under the Deixonne [sic] law (1951) and are on an equal footing with modern languages. In Brittany, for instance, parents' demands for programs to teach Breton led in the 1970s to the creation of private associative schools. Then in the 1980s, with the success of these programs, the Ministry of National Education extended this offer to the public, by making bilingual education available in certain schools. Since 1994, college diploma exams for subjects such as history and geography could be taken in Breton, this option was extended to exams for the *baccalauréat* in 1997 (Fournet, 1998).

4. Political and civic participation

4.1. Areas of participation

In political life, individuals are regularly called upon to participate in regional elections, whether legislative, for the canton or municipality. Citizens are called to vote:

- in "legislative elections" to elect members to sit in the National Assembly; these members are elected by direct general ballot;

- in "regional elections" to elect memebers of regional councils, elected by list;
- in "municipal elections" to elect the mayor of a city. Voting methods vary in accordance with the number of residents per community. In the large cities (Paris, Lyon, Marseille, Nice and Toulouse), each urban sector votes for a representative. The city's mayor is designated by the Municipal Council, elected for six years. In the smallest communities, the mayor is elected by the citizens.

The most important electoral event is nevertheless the presidential one, in which each citizen can express his preference for his choice of representative. Citizens are also occasionally called upon, under certain circumstances, to express their opinion on a key political issue by way of referendum, such as on the Treaty of Maastricht in 1993, to decide whether France would enter Europe.

With respect to political representation, it is noteworthy that political parties play a very important role in France's multiparty political system. They mobilize public opinion, influence and determine broad trends in thought. There are two major political trends representing a group of parties which pass coalition agreements in accordance with the direction of electoral trends. The "right " defends liberal capitalism, while the " left " (socialists and communists) advocates a socialist society, based on a new redistribution of wealth and universal participation in more just social life. In addition, the traditional "right" -wing electorate was typically divided between the Gaullist *Rassemblement pour la République* (RPR), the *Union pour la démocratie française* (UDF), an alliance of parties formed in 1978 to challenge the left and representing the republican party and the social-democratic parties and the *Centre des démocrates sociaux* (CDS).

In spite of much criticism and warnings about this emerging trend (Taguieff, 1991), the early 1980s saw the revival of the extreme right in the form of the *Front national*, which had its first victory at the polls in the European elections of 1984, when 10 members were elected, and 35 elected during the legislative elections of 1986 (Schultz, 1987). Since then, it has received between 10% and 15% of votes. As we saw recently in the regional elections in the spring of 1998, the *Front national* has become an inevitable choice for the right, and some representatives have even struck agreements with FN candidates to chair regional councils.

The Vth Republic provides for political alternation. It remained stable until the mid-80s, when France had its first political "cohabitation" . Although the Parliamentary, government and presidential majority had always been in agreement until 1986, recent "cohabitations" showed that the government set general policy for the country, taking account of the President's prerogatives and the fact that the country did not depend on the sharing of powers but rather on compulsory cooperation.

Citizenship is also reflected in civic life, for instance, through enterprises or forms of dialogue and coordination introduced especially as a result of the recognition of unions. There are also various types of associations at a more local level C sports, youth, neighborhood, ethnocultural, focussed on integration, etc. C which, through the activities and support services they offer, work closely with the people and are important mediation and intervention tools. Associations provide an opportunity for expression, mobilization and development of collective and civic action through which the various players can interact. In a sense, they help correct social maladjustments (Sissoko, 1998). The large number of associations in existence does not allow us to illustrate the real measures taken thus far which are effective ways of expressing citizenship. Further research in this regard should be done at a later date. One might wonder however whether there is truly room for negotiation and effective participation in decision-making in France, especially looking in from the outside at the way the French people systematically indicate a desire to change and protest through demonstrations, sometimes on a national level, as seen recently with protests by the Lycées to improve conditions in their schools.

In this regard, a citizenship charter was recently published on the Internet by individuals involved in various political movements, especially ecologists, partially to address the shorcomings of democracy evident in France, and also to restore to citizens true opportunities to play a role in decisions, and thereby contribute to political change. This ability is effectively limited by institutional structures through which democracy is exercised and which do not give citizens the means to control the decisions of their elected representatives. This Charter proposes, as in Australia, that the right to vote in local elections be extended to all foreigners so that they may be viewed as citizens to some degree, and not as

"immigrants" or "foreigners" , considering that they play a role in local life and contribute to economic development.

4.2. Skills required

The civic education program in France is highly centralized as compared to that in other societies. The *Conseil national des programmes* recommends that the civic education program be developed around three major themes to ensure that:

- *the child learns that he is a person among others. He must learn his rights and duties, to himself, to others, to his family, his class, society, the global community;*
- *the child learns that he is an actor in a democracy. He must learn his civic rights and duties, his status in relation to authority. He must deepen his understanding of the concepts of the People, the Nation, the State and the Republic;*
- *the child learns that he is an actor in the human community. He comes to understand his place as a member of a nation among others. He learns the meaning of the term sovereignty, the values of peace and solidarity, the significance and traps of public opinon. He learns why the environment has become a moral imperative.* [Transl.] (Mc Andrew et al., 1997 : 62)

In France, knowledge of human rights is considered essential. This focus was explained by some authors as an expression of France's desire "to develop a more universal concept of citizenship based on a social contract, in which legal elements play a major role" (Mc Andrew et al., 1997; Désir, 1992).

4.3 Duties and responsibilities

Everyone living in French territory, whether a citizen or not, has certain duties and responsibilities, regardless of social status. Citizenship does however grant the right to vote and to have some input in political decisions. This however is one dimension of duties and responsibilities which does not involve foreigners who are nationals of a member nation in the community. Paying annual taxes is another duty/responsibility incumbent on all. The duties and responsibilities of teachers are to "inform students of human rights and duties" (Seksig, 1991 : 87). Over and above this illustration, in a general sense, the citizen's duties are to allow for and encourage the practice of mutual tolerace, to respect ethno-cultural diversity, recognize the rights of others and consider the general public good.

In April 1998, the Ministry of National Education (MEN) sent a bulletin to all educational institutions reminding them of the national week to be held in May in recognition of "civic initiatives at school to learn to live together" [Transl.]. This week was intended to help groups of educators convey to students, through various activities, the knowledge required to learn to live together; to train them to fully exercise their citizenship; to initiate them to civic life in a democracy by learning actions symbolizing respect, acquiring a sense of responsibility, reflection on individual values, rights and duties, and encouraging them to form various solidarities. These objectives were also described as the school's mission (MEN, 1998).

II- Interrelationships between the macro-concepts and the conceptual framework

National identity can be described as an individual's feeling of belonging to a community. In our era of economic globalization, the affirmation of Europe as a political group of federated states and the reduced sovereignty of member states, the question arises, as Dominique Schnapper (1998a) suggested: *"What does being French mean today?"* (p. 297). We could carry this further and ask what the impact might be of the lack of public recognition of the many groups to which people belong on their identification with the nation rather than a more local group, perhaps even the community.

France has adopted an assimilationist model of integration which seeks to facilitate, through socialization via community institutions and not the institutional recognition of diversity, acculturation of individuals, while encouraging them to join the culture of the majority. This policy is especially important with regard

to immigrants or people born of immigrants who, it is hoped, will give up their distinct characteristics, and then themselves take the necessary steps to indicate their desire to belong to the national community, accept its principles and enjoy the benefits which are the rights bestowed. Citizenship is therefore expressed in direct reference to the national state (Tourraine, 1994).

The French model of integration is also designed to maintain social unity, which is a sine qua non of respect for democracy and the exercise of equality. The definition of a specific identity, routinely cited in France when discussing the example of the United States, is considered a threat to social cohesion, since it leads to the break-up of society into a great many competing communities, without any solidarity among them, which use institutions to defend their own interests and not the common interest. The individual must therefore first and foremost define himself through his essential characteristics, hence as a minority, since this would moreover call into question the princple of equality.

But if democracy is incompatible with the rejection of majorities, it is also incompatible with the rejection of minorities and affirmation of a counter culture or alternative societies (Tourraine, 1994). This would therefore make it necessary to find some equilibrium in order to define a model for French citizenship that is neither purely Jacobinical nor entirely multicultural-relativist.

In this regard, we also note the emergence C still difficult due to the attachement to republican values which characterize France C of a debate made by a small number of thinkers, stressing the urgent need to conceive of multiculturalism in non-communitarian terms, as a means of achieving openness to diversity and a way of finding more suitable responses to the social and political conflicts throughout France, such as racism and the rise of the extreme right, the rising inequalities and greater exclusion (Wieviorka, 1997). Potential ways of reconciling the recognition of diversity with social and political cohesion must therefore be considererd. This is the what the Conseil d'État of 1989 recommended with regard to the wearing of the Islamic veil in public schools. By opposing the recommendations to systematically exclude veiled students, the Conseil d'État wanted to bring about a contextual analysis of the wearing of the veil and, on a case by case approach, of the consequences of wearing the veil on academic life and the moral independence of students. The thought and negotiation process it proposes to the heads of institutions and individuals represents significant progress towards recognition of diversity in a perspective which is nevertheless critical.

Another debate also appears to be emerging at present in France, which seeks a new and distinct definition of citizenship, compared to the more traditional concept of citizenship (Schnapper, 1998b). This debate derives from 1) the definition of European citizenship and 2) the definition of citizenship for foreigners.

In Schnapper's view, citizenship is not based solely on political participation, but also on obtaining economic and social rights, which she views as political rights. In wiping away borders, Europe is also wiping away the constraints imposed by nations, and national citizenship is no longer the only form of citizenship which confers rights and has official status. Europe is in the process of defining citizenship based on "a concept of solidarity and social justice shared by all Europeans (...). The new citizenship emerging through European institutions, and the provisions they make and actions they undertake are no longer national or cosmopolitan but multiple" [Translation](p. 415). Europe defines social rights and confers political rights on Europeans and foreigners who are legally entitled. As a result, social issues are no longer governed by the nation, but by Europe as a whole and by the regions.

The citizenship of foreigners also appears to be an unavoidable issue based on a necessary distinction between citizenship and nationality. The concept of citizenship as nationality seems to be too reductionist, since it is based on a territorial state and at the same time excludes non-citizens by submitting them to the requirement of a residence permit, by making their exercise of civil and economic rights conditional and by refusing them access to political participation. This concept "creates a second class of citizens who, unlike other citizens, cannot defend their rights and interests through political action" [Transl.] (Schnapper, 1998b : 416). From this point of view, acquiring citizenship should be seen as one element in achieving integration, although more is required to fully attain this goal. This concept of citizenship no longer sees integration as a legal link between the individual and the State, but as a set of values and social practices developed and guaranteed by institutions, especially EC institutions.

Over and above these trends reflected in the current debate on citizenship in France, the acquisition and expression of citizenship remain a function of the conditions set out in legislation. While the legal and political rigidity with respect to social and cultural group identification indicate that citizenship in France is still fundamentally linked to national identity, individual and collective identities are nevertheless expressed through legally established structures. As we have seen, the mixed feeling of belonging to the ever larger and more remote entity of Europe shows that European identity is still not about to overtake more local identities. And as Edgar Moring noted (1987), some may attempt to define European identity as something different from all other forms of identity. It is in fact just one element of a multi-faceted identity which means that individuals, through the various circumstances of their daily lives, may define themselves in terms of various identities, be they national, regional or professional.

CHAPTER 3: CITIZENSHIP IN AUSTRALIA[4]

I- Characterization of citizenship

The debate that has been under way for some time now in Australia on citizenship seems, on the face of it, to revolve around constitutional reform and the issues involved in the changeover from a monarchy to a republic. However, questions related to national identity and the type of society that Australians would like to have are also on the political agenda. If these questions seem to be of lesser importance among the issues of the day, it is perhaps because of the assumption that they depend on the vitality of Australian democracy, namely on active participation by the citizenry and a strong commitment to human rights.

1. National identity

In Australia, the institutional structures are based on British legal and constitutional traditions. The preamble to the Australian Constitution outlines the content of Australian civic culture. In fact, it reflects the founding principles and values of the Australian confederation. The preamble puts forward three characteristics: loyalty to the Crown, belief in God and the need to create national unity for "white Australians" through the establishment of a federal government (McKenna, 1996). This preamble, which dates from 1898, was modified in 1993 following lenthy debate and now reads as follows:

Australian citizenship represents formal membership of the community of the Commonwealth of Australia; and Australian citizenship is a common bond, involving reciprocal rights and obligations, uniting all Australians, whilst respecting their diversity; and Persons granted Australian citizenship enjoy those rights and undertake to accept these obligations by pledging loyalty to Australia and its people, and by sharing their democratic beliefs, and by respecting their rights and liberties, and by upholding and obeying the laws of Australia (Introduced by Australian Citizenship Amendment Act 1993 (Cht) s.3

The complexity of the undertaking which involved identifying fundamental shared Australian values was emphasized in the report of the Civics Expert Group in 1994, to which we shall return later in this chapter.

Australia's societal culture is strongly influenced by its Anglo-Saxon heritage. Since for a long time Australia was governed by the "White Australia Policy", based on British tradition, this has had a number of consequences for institutional standards. For several years now, various measures seem to have been implemented (multilingualism, adaptation of institutions) to reduce the hold of the dominant "British" culture.

A multicultural society cannot expect the culturally bound principles of the group dominant in earlier phases of its history to remain appropriate when new groups are included in the political process. For structures which claim to be universalistic, but which are in fact based on British legal and constitutional traditions of the founding fathers of the Federation (Castles : 122).

It should be noted that this awakening comes within a unilingual context, contrary to Canada's situation where linguistic and cultural duality is the order of the day (Dorais et al. 1994 : 376-77).

The status of the official language, English, has recently undergone an evolution. It should be noted, in this connection, that some observers have even stressed the fact that English has lost its nationwide emotive status and now has a purely functional role.

In 1983, Australian citizenship documents exempted certain categories of persons, such as those over 50 years of age, from the requirement to have a basic knowledge of English to obtain citizenship. Candidates who did not belong to these categories and therefore had to learn English were told the following:

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[4] Drafted by France Gagnon

"you must be able to speak and understand basic English for citizenship, but you do not need to be able to read and write English. . . .When a husband and wife apply for citizenship together, only one needs to have a basic knowledge of English . . . "(DIEA, Australian Citizenship –No. 3, Citizenship by Grant (naturalisation), 976i).

According to Davidson, this shows that the English language, which formerly had an emotive status, now has a functional status. This is clearly demonstrated by the fact that when two spouses apply for Australian citizenship, only one of them must have a knowledge of English. From these new requirements Davidson concludes that it is now possible to become an Australian citizen without speaking the language of the majority (Davidson, 1997 : 120). This development forms part of the process whereby the acquisition of Australian citizenship does not require the candidate to give up his identity or cultural heritage. As Jayasuriya has emphasized, "the mastery of English language amounted to a 'partial form' of assimilation" (Jayasuriya, 1997 : 23). Various initiatives to this end, such as the provision of services in languages other than English, the acquisition of a second language as a priority and the introduction of interpreting services in most public institutions after 1985 display a desire to ensure that the various ethnic groups can have access to the public and civic sphere in languages other than English (Davidson, 1997 : 122-23).

We found little information about the concept of heritage, which seems little developed in Australia. Furthermore, little value is attached to founding myths and history, since any reference to history or to the founding of Australia seem to be associated with the "white Australia" concept and English supremacy.

The preamble specifies that Australian citizenship involves an obligation of loyalty to Australia and its people. In it loyalty is presented both as an emotive commitment to the Australian nation and as a civic virtue—attachment to a democratic government and its structures.

2. Social, cultural and supranational belonging

2.1 Poles of belongings

The Australian mosaic is made up of more than 100 ethnic groups. For our purposes we shall briefly discuss two groups that are at the centre of the problems having a direct impact on the redefinition of the Australian national identity: the Aborigines and the Asians.

One of the major questions on the Australian political agenda is the status of the Aborigines within the political community. Aboriginal legal title to property under common law was recognized by the Australian High Court decision in *Mabo vs. The State of Queensland* (no 2) (1992) 175 CLR1. The decision reversed the principle of *terra nullius* (land that does not belong to anyone) and recognized the following property system: the colonial system of land ownership and leasing, and an existing Aboriginal system from which Aboriginal property rights derive. Following this decision, the federal government introduced the *Native Title Act* in 1993 which recognized and protected Indian title within the limits recognized by Australian common law.

The recognition of Aboriginal title to land is at the root of a great controversy in Australia. Pauline Hanson, expelled from the Australian Liberal Party, founded a far-right party in 1997, the One Nation Party. In the June 1998 elections, Pauline Hanson's party gained 23% of the popular vote and elected a dozen members of Parliament. Several observers commented that this was due to the fact that Pauline Hanson had strongly denounced a controversial decision of the Supreme Court in December 1996 which ruled in favour of a new sharing of ownership titles to land used for grazing and mining operations. The Wik decision, named after the Aboriginal people of northern Queensland, allowed Aborigines to claim, under certain conditions, the co-existence of property rights over lands frequently occupied for decades by Whites. More than 70% of the population is opposed to such a judgment, including the Chief Justice of the Supreme Court (the decision was handed down by a majority of four judges to three). Pauline Hanson has gone so far as to advocate the complete abolition of Aboriginal ancestral rights. With an 11% popularity rating across Australia, the One Nation Party could well hold the balance of power in the

Senate after the next federal elections (*Le Devoir*, 1998). This popularity illustrates the complexity of taking indigenous claims into consideration and brings to the fore certain underlying issues such as the rise of racism that this process can kindle in some Australian citizens.

About 23% of Australia's current population was born abroad (Australian Bureau of Statistics, Migration, Cat. No. 3412.o, 1995-96). Of this immigrant population, some 40% were born in Asia, although Asians make up only 5% of the total population. The Australian Bureau of Statistics defines Asians as persons coming from the Indian subcontinent; the countries of East Asia such as Vietnam and Malaysia; and North-East Asia, including Hong Kong and China. Asian immigration is a source of concern in Australia, owing not only to the percentage of immigrants but also, on the one hand, to the feeling that there are visible differences between Asians and other individuals and, on the other, to various beliefs regarding the social behaviour of Asians.

Such beliefs include a sense of undue levels of Asian concentration in " ghettoes ", and upon the argument that Asians are socially exclusive and culturally alien. Such sentiments are typified in Pauline Hanson's first Parliamentary speech in which she argued that Asians " have their own culture and religion, form ghettoes, and do not assimilate " (P. Hanson, first speech, 10th September 1996, Hansard, House of Representatives, 1996). In a 1994 poll conducted in Victoria for The Sunday Age, 53% of respondents also felt Asian migrants had not mixed well with the wider community (Saulwick poll for The Sunday Age, 13 November 1994) (Holton, 1997 : 4)

2.2 Relative importance of diversity

Australia is considered to have a very low level of ethnic and racial concentration.

Australia has never seen ghettoes in the strict American sense of the term, that is inner urban neighbourhoods dominated by particular ethnic or racial groups living in high levels of poverty and social pathology. Yet it has undoubtedly seen concentrations of migrant groups living in high levels of poverty and social pathology. Yet it has undoubtedly seen concentrations of migrant groups, whether English, southern European or Asian, in specific urban areas. These are often outer urban suburbs where housing is cheap and where industrial employment is available...When such concentrations are looked at more closely, however, many turn out to have a mixed ethnic population, rather than one dominated by a single group...The most controversial issues with regard to the debates about ghettoes concern Asian migrants (Holton, 1997: 5).

Some authors point out that the level of collective violence in Australia is lower than that in the United States or Great Britain.[5] *The Human Rights and Equal Opportunity Report on Racial Violence in Australia* has nevertheless drawn attention to incidents of sporadic violence against groups such as the Indochinese or Middle Eastern groups, especially during periods of increased tension such as the Gulf War (HREOC, 1991).

The 1991 National Inquiry into Racist Violence showed a high incidence of racism, especially against indigenous people and Asian immigrants (HREOC, 1991). Australia has no systematic monitoring of incidents of racist violence or discrimination—unlike the USA or Britain, which have established special reporting systems (Castles, 1997 : 132).

Ethnic concentration can have a variety of impacts on social cohesion: it can be the source of inter-communal conflicts, of violence and of racial incidents that impact negatively on a community's social fabric.

3. Effective system of rights

A more formal definition of Australian citizenship is given in the *Australian Citizenship Act* of 1948. This act grants citizenship status to any person born in Australia if at least one of that person's parents is an

[5]Holton bases this claim on (Gurr, 1969) and (Gurr et al. , 1977).

Australian citizen or permanent resident. If neither parent is an Australian citizen or permanent resident, birth in Australia is not a sufficient condition for immediately obtaining citizenship (Rubenstein, 1995 : 507).

The 1983 amendments to the Act made Australian nationality more accessible.

In the debate on the amendments, Stewart West, the Minister for Immigration of the incoming ALP government, indicated that the abolition of "alien" and the relaxation of markers of "belonging" (knowledge of English and long periods of residence) recognized the increasing "difficulty" which the current requirement can cause to people in a world which is increasingly internationally mobile (CPD (R), 1983, p. 3368).

Australian citizenship can be obtained through birth, adoption, descent or the granting of citizenship. Citizenship can be granted at the discretion of the Minister on the basis of a series of criteria that the Minister must take into consideration. The candidate must be a permanent resident, be 18 years old and be capable of understanding the nature of his application. The candidate must also have resided in Australia for a period of 2 years in the 5 years preceding the application, including a period of 12 months in the 2 years immediately preceding the application. The candidate must also be of "good character," have a basic knowledge of English, and an adequate knowledge of the responsibilities and privileges pertaining to Australian citizenship. In addition, the candidate must reside or continue to reside in Australia, or maintain close links with Australia. Each of these criteria denotes some form of belonging to the Australian political community (Rubenstein, 1995 : 507).

Citizenship is based on a system of rights and obligations aimed at protecting the integrity and dignity of individuals. Moreover, supporters of multicultural citizenship maintain that individuality is formed in a variety of social and cultural contexts that must be protected (Castles, 1997 : 114).

3.1 Rights

In Australia there is no declaration of rights that spells out the rights of a citizen. Most of the delegates to the conventions of the Australian federation in 1890 rejected the proposals in favour of a declaration of human rights. They preferred to believe that common law, "the good sense of Parliament, convention and the gentlemanly traditions of utilitarian political culture" were sufficient to safeguard individual rights and liberties in Australia (McKenna, 1996). Numerous debates have taken place since then on the appropriateness of adopting a declaration of human rights. The arguments against can be summarized as follows (McKenna, 1996):

- the introduction of a declaration of rights goes against the Australian tradition of parliamentary sovereignty and protection of individual rights through common law;
- a declaration of rights would have the effect of politicizing the courts;
- a declaration of rights, by defining rights, would in fact limit them and would soon be out of date;
- a declaration of rights would ignore regional differences;
- a declaration of rights would not necessarily guarantee the lack of interference with fundamental rights. The American Declaration of the Rights and Duties of Man did not, for example, manage to protect American communists against discriminatory legislation during the 1950s;
- parliamentary legislation is the most democratic and flexible means of protecting the rights and freedoms of individuals.

These arguments against the adoption of a declaration of rights provide a good illustration of certain specific aspects of the Australian national identity: the Australian tradition of parliamentary sovereignty and the protection of individual rights through common law, as well as the emphasis on regional differences. As we shall see later, the anti-discrimination legislation, for example, does in effect vary

depending on the part of the country to which it applies.

The arguments in favour of the declaration of rights are the following:

- historically, it has been demonstrated that the parliamentary democracy is an imperfect mechanism for protecting rights in Australia, in particular the rights of minorities (for example, the rights of the Aborigines);

- individual rights and freedoms must be placed above politics and enshrined in a constitution;

- the judiciary is the only body that is sufficiently impartial and independent of the political parties to protect rights and deal with the difficult issues that are sometimes at the root of disagreements about individual rights that Parliament prefers to sidestep (the Mabo decision handed down in 1992, which we referred to earlier, is one such example);

- in a multicultural Australia, it is desirable, perhaps even urgent, to set out clearly the fundamental principles that form the basis of the nation's unity in a constitutional declaration of rights;

- a declaration of rights can serve as an educational tool with great persuasive force and, once it has been accepted in a referendum, could help to give democratic legitimacy to the affirmation of individual rights and freedoms;

- a declaration of rights can be used to give back power to those who no longer have any, by giving them a means that minority groups can use to assert and gain respect for their rights;

The protection of citizens' rights in Australia is therefore assured by the rule of law and by the courts in the exercise of their jurisdiction. Citizens' rights are thus based on the common law tradition and on political and social institutions created under and subject to democratic parliamentary institutions. The fact that Australia does not have a declaration of rights makes it perhaps more difficult to identify its major founding principles. We shall see later, however, that it has acquired other instruments to remedy this situation.

In Australia, the political and socio-economic participation of all citizens is the objective of various public policies. The is an important logical link between cultural rights and social justice. If the members of certain ethnic groups can only maintain their culture while in a socially disadvantaged state (high level of unemployment or low socio-economic status), one can hardly talk about equal rights (Castles, 1997). The adoption of policies to combat racism and discrimination in access to social security, housing and welfare is intended to guarantee full participation by all citizens. Several Australian government departments have introduced social justice measures directed to immigrants, Aborigines, women and the disabled.

Social justice in the National Agenda is concerned with fair distribution of economic resources; equal access to essential services such as housing, health-care and education; equal rights in civil, legal and industrial affairs; and equal opportunity for participation by all in personal development, community life and decision-making (OMA 1989 : 19) (Castles, 1997 : 129).

In Australia the established social rights are those set out in the *International Covenant on Economic, Social and Cultural Rights* of which Australia is a signatory: the right to an adequate standard of living; the right to decent housing; the right to education; the right to the enjoyment of the highest attainable standard of physical and mental health; the right to work; the right to the enjoyment of just and favourable conditions of work and the right to strike; the right to form unions; the right to social security; the right to take part in cultural life and to enjoy the benefits of scientific progress (Davidson, 1997 : 83). There are also certain legislative measures:

The various acts of Parliament designating entitlements to benefits displays the breadth of the present program. Medical Services fall under the Heath Insurance Act 1973 (Cth), and the Social Security Act 1991 (Cth) sets out a range of benefits which include age pensions, disability support pensions, wife

pension, carer pension, sole parent pensions, widowed person allowances, job search allowances, newstart allowance, employment entry payments, education entry payments, sickness allowances, special benefits, special needs pensions, family payments, and child disability allowance (Social Security Act 1991 (Cth) ch.2) (Rubenstein, 1995 : 525-526).

These services are available not only to Australian citizens but also to residents.

The Social Security Act defines an Australian resident as a person who resides in Australia and is an Australian citizen or a person who is the holder of a valid permanent visa. In deciding whether a person resides in Australia, the accommodation used by the person in Australia, the nature and extent of the family relationships the person has in Australia, employment, business or financial ties, assets in Australia, frequency and duration of travel outside of Australia, and of any other matters relevant to determine whether the person intends to remain permanently in Australia, are all taken into account. These are all factors that are essentially identified as contributing to one's membership of a community (Rubenstein, 1995 : 526).

It should be noted that if protection under these rights depends solely on the adoption of legislation which sometimes is applicable to Australian citizens only, this can introduce an arbitrary element in the protection afforded.

3.2 Programs and measures

Legislation to combat discrimination in Australia is not uniform. It varies according to whether an act applies to the Commonwealth [of Australia], a state or a territory. The grounds of discrimination can also vary from one jurisdiction to another. For example, people can submit complaints in relation to their physical characteristics only in Victoria, whereas discrimination with regard to one's occupation is prohibited only in the Australian Capital Territory. The most common grounds of discrimination are sex, race, disability, religion, age, parental status, marital status and sexual orientation. There are also slight variations in the ways each of these grounds is described in the various bodies of law.

In the case of the Commonwealth, the main laws enacted to combat discrimination are the following:
- the *Racial Discrimination Act 1975*
- the *Sex Discrimination Act 1984*
- the *Human Rights and Equal Opportunity Act 1986*, and
- the *Disability Discrimination Act 1992.*

Currently the Human Rights and Equal Opportunity Commission (HREOC) is responsible for hearing and evaluating complaints, but this is due to change in the near future.

As far as the states and territories are concerned, the main laws to combat discrimination are as follows:
- the *Anti-Discrimination Act 1977* (New South Wales)
- the *Equal Opportunity Act 1984* (South Australia)
- the *Equal Opportunity Act 1984* (Western Australia)
- the *Anti-Discrimination Act 1991* (Queensland)
- the *Discrimination Act 1991* (Australian Capital Territory)
- the *Anti-Discrimination Act 1992* (Northern Territory)
- the *Sex Discrimination Act 1994* (Tasmania), and
- the *Equal Opportunity Act 1995* (Victoria).

The main difference between Commonwealth, state and territory statutes is that the laws of the states and territories encompass much broader categories of discrimination. Furthermore, most of these laws cover two types of discrimination: direct discrimination and indirect discrimination.

4. Political and civic participation

Civil society is based on mechanisms designed to ensure the participation of social groups that are habitually excluded from the decision-making process: this argument legitimizes methods of special representation for certain groups—a principle that is already embodied in Australia in the Aboriginal and Torres Strait Islander Commission. Castles points out that "In 1991, only 6.7 per cent of legislators and government-appointed officials at the three levels of government were of first- or second-generation non-English-speaking background, compared with their share in the population of about 25 per cent" (Castles, 1997 : 130).

The participation and involvement of minority groups in the various forums of civil and political society have been judged essential by some authors, not only to ensure them equal treatment, but also so that they are able to act and to exert some form of influence in civil society.

Ethnic mobilisation, therefore, is central to enabling and maximising the participation of ethnic minorities in the political process as a precondition to having a voice in such matters of health care policy. Participation then, becomes a key element of this more progressive, post-modern, view of citizenship, attuned to the needs of a democratic and plural society and providing a defensible political rationale for a new philosophy of multiculturalism (Jayasuriya, 1997 : 34).

According to Castles, the limited progress in recent years in the area of multiculturalism is partly due to the low level of political organization among Australia's ethnic communities. He cites the Aboriginal experience and their high level of involvement and organization as an explanation of why, in his view, native issues have occupied a more prominent place on the political agenda in recent years (Castles, 1997 : 133).

In Australia, regional participation is encouraged; the provisions on the right to vote illustrate this. Voting in the Australian federal elections is compulsory: failure to vote in an election without good and sufficient cause constitutes an infraction liable to a fine (*Electoral Act 1918 (Cth)* s.93). In so far as voting is concerned, citizenship therefore confers both a legal right and a legal obligation. However, not all citizens have a legal right to vote: children under 18 years of age, non-citizens, mentally incompetent persons and certain classes of criminals may not vote. In Australia, immigrants can obtain naturalization only after two years' residence, while children born in the country of parents who are legal residents automatically become citizens.

However, the right to vote in local elections is different.

The Local Government Act (1989) (Vic) entitles property owners of any rateable land in a ward and who are over 18 to be enrolled to vote. . . . As local government is the closest form of government to the people, and is concerned with the delivery of important services such as water, garbage collection, libraries, and other amenities, it is a significant part of the community. Therefore, voting rights do exist for some non-citizens in State local jurisdictions (Rubenstein : 3).

A short time ago, an appeal was made to Australians' sense of civic duty for a purpose other than the habitual vote or referendum. An assembly made up or "ordinary" citizens was held to deliberate on the political future of Australia. In 1998, a Constitutional Conference took place in Canberra for the purpose of determining whether or not Australia should become a republic. If the outcome favoured a republic, the delegates also had to suggest who would replace the Queen as head of state. The following possibilities were suggested: a president elected by representatives, as in the United States; a president elected by universal suffrage, as in France; an appointed president, as in Germany.

Half the 152 delegates to the Conference were named by the government. Two large groups sent elected delegates who voted as blocs: the Australian Coalition for the Monarchy (ACM) and the Australian Republican Movement (ARM), which has been arguing for a republic for seven years. *L'Actualité* reports that there were a total of 47 monarchists, 80 republicans and 27 non-aligned delegates, grouped into coalitions and lobbying alliances (*L'Actualité*, 1998). More than a third of the delegates were women, 46

were parliamentarians and 11 were from the world of business. The fact is that even though an assembly of the people had been announced, the assembly was made up of individuals almost all of whom had political experience of one sort or another.

After two weeks of deliberations, the delegates reached a resolution: that Australia be made a republic with a head of state elected by a two-thirds majority of senators and members of Parliament. The election would be preceded by a referendum in 1999 on the issue of becoming a republic and, if this form of government was accepted by a simple majority in at least four of the six states at the time of the referendum, Australia would become a republic. The idea of a charter of rights was rejected by the delegates, with some denouncing the government by the judiciary that the Charter of Rights had introduced in Canada (*L'Actualité*, 1998).

In 1994, the government mandated a *Civics Expert Group* to assess the citizens' current level of knowledge of governmental, constitutional and civic affairs in Australia. The group, presided over by historian Stuart MacIntyre, stressed the citizens' widespread ignorance about these questions and the misconceptions that they entertained about the Australian form of government, its origins and the numerous ways in which the government provided services for citizens. The report proposed the setting up of "a school-based civics and community-based citizenship education " to remedy this shortcoming in the area of civics (Civics Expert Group, 1994). The report's recommendation also stated that education in civics would breathe new life into the Australian national identity, "infusing it with an appreciation of civic and political values, a new trust in politics, and a new willingness to participate" (Civics Expert Group, 1994).

II- Interrelation between the macro-concepts of the conceptual framework

Post-1945 immigration has caused profound cultural and demographic changes: "As a relatively new nation, made up of settlers from all over the world as well as indigenous people, Australia has special problems in defining its culture and identity, and in devising appropriate political institutions" (Castles, 1997 : 113).

A recent survey of a sample of more than 2,000 Australians reflects their thoughts on what it means to be Australian within the immigration context. The following table gives a list of ordinates of what respondents consider to be the most important factors in defining what being Australian means to them.

	Very Important	Fairly Important
- Feeling Australian	72%	23%
- Respecting Australia's laws and political institutions	69%	26%
- Having Australian citizenship	67%	23%
- Being able to speak English	61%	27%
- Having lived in Australia for most of one's life	27%	35%
- Being born in Australia	29%	25%
- Being a Christian	15%	17%

Source: Taken from the results of a National Social Science study cited in M.D.R. Evans, "National Identity: What Does It Take To Be 'Truly Australian'," *Worldwide Attitudes*, 18 March 1996, pp. 1-8, and F.L. Jones, "Ethnic Diversity, Social Distance and National Identity: Citizen Beliefs about Australian Institutions", 1996, passim.

One of the most interesting aspects of this study, identified by Holton, is the fact that the respondents are less inclined to associate "being Australian" with birth in Australia than with other criteria related to "feeling Australian" or to being politically committed to Australian laws and institutions. National identity, according to these results, cannot be defined in exclusively ethnic or racial terms but clearly requires an emotive commitment or one in the form of a public declaration, together with acceptance of the English language as the official language of Australia.

A more in-depth analysis of these results by Frank Jones identified three broad categories of respondents (Jones, 1996). About a quarter of all respondents are identified as Nativists, that is, Australians who believe that it is essential to be born Australian to be an Australian. The rest are divided equally between Civic Nationalists, who have a strong feeling of national identity but who are open to the inclusion of immigrants of all origins provided they are committed to Australia, and Moderate Pluralists, for whom the acceptance of cultural diversity is even more important than a strong feeling of national identity.

According to Holton, there is a fundamental contrast between what is known about Australians' attitudes to immigration and their attitudes to multiculturalism (Holton, 1997). In the former case, it is clear that since the beginning of the 1970 most Australians have consistently felt that the level of immigration is too high and should be reduced. This attitude is shared by all citizens regardless sex, age or occupation, although those over 50 tend to be more opposed to immigration. The reasons given are mainly economic in nature, including the constantly recurring argument that immigration increases the rate of unemployment.

The attitudes with regard to multiculturalism are much more difficult to interpret. The data gathered during the major study on multiculturalism in 1988 commissioned by the Office of Multicultural Affairs were interpreted as both proof of public favour toward multiculturalism and evidence of public hostility toward it. According to Holton, in the absence of a consensus on what the term "multiculturalism" means, it is difficult to interpret what people are saying when they opt for or against multiculturalism.

A part of the problem, Holton maintains, lies in the fact that the terms "multicultural" and "multiculturalism" have been used at the same time as a description of a culturally diversified population and a label for certain types of government policies involving immigrants: " a useful starting point in clarifying attitudes to multiculturalism then is to distinguish between attitudes towards people and practices defined as multicultural, and attitudes towards multicultural policies" (Holton, 1997).

The criticisms levelled at the Australian multiculturalism policy seem similar to those formulated with respect to the Canadian multiculturalism policy: "One of the more frequent claims of the opponents of multiculturalism . . . is that . . . a policy that produces a significant degree of cultural diversity may well produce . . . ethnic conflicts and reduced social cohesion (Dorais et al., 1994 : 373).

It is essential to analyse the policies associated with multiculturalism in Australia because they have helped to shape the Australian national identity, whether by redefining the relationship between national identity and the feelings of social and cultural belonging of its citizens, or by establishing the limits to the expression of such feelings.

It can be argued that the history of Australian multiculturalism in the last twenty years also has been a key element in the history of a nation struggling to redefine its nationalism from one exclusionary zeal to an imperative inclusiveness which could maintain social cohesion while ensuring the continued domination of the historical Anglomorph culture and institutions : in other words, to reconcile nationalism and national unity with ethnic diversity and heightened ethnic consciousness (Dorais et al. 1994 : 390).

Multicultural policies were introduced in 1973 by the Australian Labour Party (ALP) Government led by Gough Whitlam. Their objective at the time was the rejection of assimilationism. Under these policies, measures were put in place to improve welfare and education services for immigrant workers of European origin. Between 1975 and 1982, multiculturalism policies gradually evolved to become identified with cultural pluralism and emphasize the role of ethnic organizations in the provision of services, and the value of multiculturalism in attaining social cohesiveness in a society made up of diverse ethnic and cultural groups (Castles, 1997 : 126).

Critics of this model of multiculturalism centred on ethnic groups maintained that these state-financed policies favoured community groups and leaders with whom the government maintained special relations, to the detriment of others, and that it also encouraged the government to disregard leadership changes within the groups. Multiculturalism nevertheless has led to a substantial change in the way Australian citizenship is perceived: it is no longer necessary to be culturally assimilated to be an

Australian citizen. "You could be an Australian, even if you spoke another language and followed different practices and lifestyles (as long as these did not conflict with the Australian law)" (Castles, 1997 : 126).

The 1983-96 ALP government again redefined multiculturalism, making it compatible with other key political objectives such as economic deregulation, more efficient use of human resources, maintenance of a social security safety net and integration of Australia into the Asia-Pacific region. This change is due, among other things, to the fact that Asia has become the chief source of immigrants rather than Europe, to the adoption of occupational skills as a criterion for admission and to the arrival on the labour market of a second generation of immigrants with a level of education higher than that of their parents.

The Australian government clearly opted in favour of multiculturalism:

The symbol of this stance was the establishment of an Office of Multicultural Affairs (OMA) in the Department of Prime Minister and Cabinet (Castles, 1988 : 31), with OMA representatives located also in the States to liaise with state structures (the Ethnic Affairs Commissions). The OMA is particularly active in promoting community relations and access and equity strategies at government, non-government and community levels. Of course, the work of OMA is supplemented and complemented by a range of other structures such as the Human Rights and Equal Opportunity Commission, anti-discrimination and racial vilification legislation, and extensive network of settlement services including language training, housing support, employment programs and social services, with varying degrees of assistance for newly arrived immigrants and other Australian residents (Dorais et al, 1994 : 385-386).

In recent years the government has distanced itself from an approach based on ethnic groups to develop what Castles calls a multicultural model of citizenship (OMA, 1989). Beginning with the 1970s, the concept of citizenship has become understood more and more in terms of civil rights, political rights, social rights and social responsibilities, rather than in terms of membership in a culturally and ethnically homogeneous society. During the 1980s and '90s, various attempts were made to express this new vision of citizenship as membership in a politically and culturally diversified society. Australia opted for cultural pluralism rather than structural pluralism: "In practice, this meant that ethnic groups were encouraged to retain their languages and cultures but within a set of core "Australian" values to which they must give loyalty" (Dorais et al., 1994 : 383).

This model was expounded in the *National Agenda for A Multicultural Australia* (OMA, 1989). This document attempts to identify the shared basic values which constitute the limits of multiculturalism. These values are defined as "an overriding commitment to Australia and acceptance of the basic structures and principles of Australian society such as the Constitution and the rule of law, Parliamentary democracy, tolerance and equality, freedom of speech and religion, English as the national language, and the equality of sexes " (OMA, 1989).

According to Castles, the document implicitly endorses three types of rights—civil, political and social—as proposed by Marshall in his classical analysis of citizenship (Marshall, 1964). However, it adds a new component: cultural rights. Indeed, according to Castles,

Multiculturalism was not defined as cultural pluralism or minority rights, but in terms of the rights of all citizens in a democratic state. The National Agenda emphasized the recognition of difference as part of the state's task in securing universality in resource allocation. The programme was based on the recognition that some groups are disadvantaged by lack of language proficiency and education, together with discrimination based on race, ethnicity and gender. It was seen as the duty of the state to combat such disadvantage. There was an underlying understanding that cultural rights could not be fully realized unless they were linked to policies of social justice (Castles, 1997 : 126-127).

The new vision of multiculturalism recognizes, at the same time, the cultural diversity of Australian society and the need for social justice for all Australians, regardless of their culture or ethnicity.

In attempting to assess the latest transformation of multicultural policy in Australia, it comes as no surprise that the definition embodied in the National Agenda refers to multiculturalism as the most appropriate term to describe the cultural and ethnic diversity of Australia. It states authoritatively that multicultural policy has three major dimensions : cultural identity, social justice and economic efficiency (OMA ,1990 : 69). These dimensions, directed at all Australians, imply the incurring of obligations as much as rights and harness the concept of multicultural identity to the concept of the nation-state (which is then economically defined). This is evidenced, for example, in the sharper economic focus of the immigration policy with prominence being given to skilled and entrepreneurial immigrants and the support by the Keating government for the concept of a "clever" (and republican) Australia (Dorais et al., 1994 : 388).

The social justice dimension includes equality of access by all Australians to public services and institutions, as well as their participation within them. The need for economic efficiency is also affirmed and defined in it as the development and use by all citizens of their talents and skills (Inglis, 1997 : 209).

According to the 1989 document, the multiculturalism policy is founded on the premise that all Australians must have a preponderant and unifying commitment to Australia. "The official Australian government policy on multiculturalism has clarified since 1989 that loyalty to the nation is to have primacy " (Dorais et al, 1994 : 391). The multicultural policies require that all Australians accept the basic structures and principles of Australian society, the Constitution and the rule of law, tolerance and equality, Parliamentary democracy, freedom of speech and religion, English as the national language and the equality of the sexes. The multicultural policies impose individual responsibilities and obligations on Australians which balance the rights granted to them. Special emphasis is given in the document to the obligation of all Australians to respect the right of their fellow citizens to express their views and values.

In January 1991, the Law Reform Commission published a report in support of the consensus that seems to have been reached on multiculturalism in Australia. This report recognizes that the definition of limits to the rights of Australians to express and to share their cultural heritage is necessary to maintain social cohesion (Law Reform Commission, 1991). The case of Australia presents us with an example of the way in which the limits of diversity have a direct influence on social cohesion. Kymlicka, in his most recent book, draws our attention to the following limit of Australian multiculturalism: "multicultural policies are based upon the premise that all Australians should have an overriding and unifying commitment to Australia, to its interest and future first and foremost" (Kymlicka, 1998 : 66).

In 1994, the Keating government began to identify ways of measuring the social participation of Australians by commissioning a Senate investigation. The purpose of the investigation was to identify the qualitative statistics that the Government must set its sights on in providing services for the various members of the community. The investigation also had a mandate to identify the social indicators that can be used to make a yearly assessment of the conditions for exercising the legal, social and cultural rights of citizenship.

The essentials of the 1989 document were reiterated and reaffirmed in a subsequent report on the future of multiculturalism in 1995. The Keating government added another dimension to multiculturalism: "a statement of the reciprocal duties of the State to its citizens" which it described as a " Multicultural Compact " (OMA, 1995). These duties include a guarantee that all Australians are assured equality of access to, and equality of opportunity and participation in the social, political and economic life of Australia, without being confronted by barriers and obstacles of race, ethnicity, religion, culture, language, gender or origin. The report also stresses the obligation of Australian institutions to recognize, respect and adapt to cultural diversity.

The Australian government is, moreover, concerned about analysing possible discrepancies between policy statements and the practices used to implement these policies. According to Inglis,

The impact of the multicultural policies has been evident in the provision of social services which cater to the cultural and linguistic backgrounds of both immigrant and locally born Australians of diverse

ethnicities. Education, health and community services have all been affected by the policies of multiculturalism which have included provision of interpreters, development of culturally relevant delivery of services, changes in language and non-language areas of school curriculum. Government-funded radio and television services exist in a number of languages and there have been various initiatives to improve the operation of the legal and administrative systems to take account of the existence of diversity (Inglis, 1997 : 209).

The 1995 report looked at the effectiveness of initiatives taken under this heading since 1989 and concluded that there was room for improvement in areas related to participation in the major political and social institutions, in access to basic legal rights, in the fight against discrimination, in social justice in access to government services, in the fulfilment and development of human resources, with regard to languages and communication, and in community relations (NMAC, 1995). The report also contains recommendations dealing with the education of citizens about Australia's multiculturalism policy: "A number of the recommendations in the report highlight the need for further community education to ensure that the changes in official policy are appreciated and implemented throughout the wider Australian community " (Inglis, 1997 : 210).

All these discussions about citizenship have been held in accordance with a concept where the state plays a proactive and interventionist role; according to this view of things, the state is in a position to correct existing inequalities among citizens and to safeguard basic values, while protecting each citizen's right to cultural diversity. According to several Australian observers, this concept of the role of the state is now being threatened by ever greater cultural changes such as, for example, the wave of economic rationalism which increasingly sees the nation as a grouping of individual consumers and producers, each of whom is primarily or wholly motivated by self-interest (Holton, 1997 ; Castles, 1997 ; Jayasuriya, 1997).

The question of social cohesion is also raised by the relationship between immigration and globalization, with globalization resulting in an intensification of economic, political, social and cultural relations beyond the national borders (Holton, 1997). Population movements take place concurrently with transfers of capital, technology, information and cultural practices. These movements are orchestrated by formal institutions such as the multinationals, organizations such as the World Trade and various United Nations agencies. But they also involve a host of links among individuals, families and groups via the Internet, telephone, etc. Migration is therefore only one of the impacts of globalization; there are many others, and their impact is just as great as that of migration. Globalization leads Australians to ask themselves the question: What does it mean to be Australian? Does belonging to a community necessarily involve allegiance to a single country?

Just as many Australians feel anxious about immigration and the cultural diversity it has engendered, so they also feel concern about other aspects of globalization, such as foreign ownership of economic resources and challenges to the Australian sovereignty. Recent research by Clive Bean has investigated the views of a sample of over 2000 Australians on both immigration and economic sovereignty. One of his main findings is that Australians are even more concerned about what they see as the negative impact of the world economy [than] that of immigration. Thus over 75% of the sample agreed with the view that Australia should limit the import of foreign products, as against 60% who supported cuts to current immigration levels. (C. Bean, "Open or Closed Boundaries : Attitudes Towards Sovereignty", paper prepared for a workshop on Immigration and Australia's Population in the 21st Century, Australian National University, 20-21 May 1996) (Holton, 1997 : 8).

In the light of this conceptual framework, we can already conclude that in Australia the identity axis (national identity and social, cultural and supranational feelings of belonging) is not as closely linked with the equality axis (effective system of rights and political and civic participation) as in, for example, Canada. Whereas in Australia rights are based on the parliamentary tradition, in Canada the provisions of the *Charter of Rights and Freedoms* and of the Canadian Constitution provide a protection of rights that is independent of the legislative process. In effect, they form part of the "supreme law" of Canada that Parliament must respect. In this connection, Castles comments as follows:

In Canada, multiculturalism and equality rights were integrated into the definition of citizenship through the 1982 Canadian Charter of Rights and Freedoms. This meant a recognition of collective identities and collective rights of specific groups as part of citizenship. In contrast the Australian approach is much more on the level of social policy : the special needs of ethnic groups are recognized, but the measures taken to deal with them are essentially concerned with welfare, education or services for individuals (Jayasuriya, 1993 : 2). The Australian approach is based on administration of social issues by the state, rather than active citizenship through collective participation in decision-making processes (Castles, 1997 : 128).

While the limits to the expression of diverse feelings of belonging in Australia are clear, the policies or legislation governing their protection or exercise are very varied and differ considerably from one state or territory to another.

CHAPTER 4: CITIZENSHIP IN GREAT BRITAIN

I - Characterization of citizenship

In Great Britain there is a body of legislation and public reflection by various organizations concerning citizenship, nationality, race relations and human rights. Several public policy documents on citizenship have in fact been formulated in recent. We can cite here the report by the Commission on Citizenship in 1990, Encouraging Citizenship, and more recently, in 1997, Citizenship (The White Paper[6]) written in response to the recommendation of the Commission on Citizenship in 1990: "A review and codification of the law relating to the legal rights, duties and entitlements of the citizen in the United Kingdom and the dissemination of this information in a clear way to all citizens" (Recommendation 10) (Gardner, 1997: xix).

In these documents, citizenship is recognized at the outset as being more than just related to the inhabitant's nationality. Citizenship also includes different facets of commitment, participation and sharing of the rights and responsibilities of a citizen: "... citizenship is not only about formal rights, but also about the everyday participation in our society; and not only about our own rights, but also about the rights of others. It is this conception of citizenship as both theory and practice that we wish to encourage" (EC, 1990: 42).

1. National identity

The British Isles unite four nations - England, Wales, Scotland and Northern Ireland - within a unitary state: the United Kingdom of Great Britain and Northern Ireland. British literature on citizenship focuses primarily on its chief entity: England.

Britain is not and never has been a monocultural nation-state, but is rather a sometimes precarious (and imposed) union of four nations. Its political institutions of colonial rule were not necessarily dependent on a unitary idea of national culture, even if in practice "English" culture has always had the upper hand (Colley, 1992) (Favell, 1998: 102).

Our study will focus primarily on the policies and statue laws that apply to Great Britain as a whole. Thus, we will not deal with the distinctive character of Scotland or Wales, and the specific policies adopted in this connection.[7]

Great Britain's national identity is difficult to define. Although the hold of distinctively "British" culture and of the symbols of royalty is still strong in the mind of the imaginary Briton, their position is increasingly being called into question in the definition of British national identity.

More recent documents on citizenship, such as the report Encouraging Citizenship, favour a concept of national identity based on political culture. In fact, in 1990 the Commission on Citizenship set forth the importance of standards in defining the British political community, and of their knowledge, to evoke a feeling of belonging among citizens:

We consider that citizenship involves the perception and maintenance of an agreed framework of rules or guiding principles, rather than shared values. Such a framework of rules is more than a set of external texts whose legitimacy is acknowledged; an agreed framework of rules provides the shared basis whereby individuals relate day to day to the "fellow strangers" of their community ...(EC, 1990: 13).

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6 The White Paper is a document without legal scope that explains and justifies government projects and announces in a detailed manner the government's intention to make legislation.

7 This also means that, in the section on social, cultural and transnational belonging, the poles of belonging discussed will make reference to ethnic or religious minorities and will not include the Scots, Welsh or Irish.

It is thus a national identity that oscillates between an identity essentially defined by civic culture and another that is strongly saturated with typically "British" societal culture.[8]

The identity of a political community lies in what all its members share not individually but collectively, not privately but publicly, and has an inescapable institutional focus. Many discussions on national identity do not appreciate this distinction. They look for the identity of a political community in the traits of temperament, character, habits, customs, social practices, etc., in the cultural or ethno-cultural characteristics, rarely shared by them all, and even then as individuals and not as a collectivity. ...The tendency to locate the identity of a political community in the cultural characteristics of its members and to equate it with national character is evident in the German as well as the British New Right discussions of national identity mentioned earlier. The confusion between the political and the cultural life of a community has unfortunate consequences. It equates the political community with the culture of the dominant ethnic or national group, and undermines its public, open and shared character. This means that one cannot be a full citizen of, say, Britain unless on is culturally British or even English and shares the character and the cultural practices that are supposed to be common to the British people. ...In either case it marginalizes a large body of men and women, treats them as second class citizens, and encourages much intolerance. Furthermore, since few if any cultural characteristics are common to all British people, and since these are complex and not easy to specify, the cultural definition of British national identity invariably leads to a biased and ideologically abridged definition of "Britishness" and distorts the British way of life (Parekh, 1994: 502).

The absence of a written constitution in Great Britain, as in Australia, constitutes a distinctive trait of the British civil culture: it establishes the supremacy of the parliamentary system.

The foundation of government in the UK is the notion that Parliament is the supreme authority, and that the validity of its legislation cannot therefore be challenged in the UK courts. As a result, the individual's freedoms are residual: that is, they exist to the extent that Parliament has not enacted restrictions, and they are vulnerable to any subsequent enactment of Parliament (EC, 1990: 7).

English is the language currently used in the operation of institutions and in British public life. The White Paper on citizenship tells us the following about the official status of English:

British citizens have no statutory right to use English, although they do enjoy limited rights to use other languages. Rather, the use of English seems, in practice, almost obligatory, since modern law appears to be based on the assumption as a matter of practice that English is the official language, as reflected in a variety of statutory provisions (Education Reform Act 1988, s.3(1)(a) (English as requirement in core curriculum); Rules of the Supreme Court Ord 1, r9 (prescribed forms in English) (Gardner, 1997: 125).

Among the provisions on the status of the English language, those that contribute to giving it an official character in Great Britain are, specifically, the requirement that people seeking British naturalization must prove that they have an adequate knowledge of English, or of Scottish or Gaelic, and the stipulation that an adequate knowledge of English is necessary for jury duty.

When considering the media as an aspect of societal culture, we note that Great Britain's main national newspapers (*News of the World, The Sun, Today, The Sunday Times* and *The Times)* are highly politicized. In fact, during elections, they usually support one of the political parties. British press analysts and the Commission for Racial Equality have denounced the inadequate treatment of racial issues by the daily papers.[9] The provincial newspapers are seen as being closer to the ethnic

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[8] In this respect it would be interesting to conduct a more detailed study of the notion of heritage put forward by Great Britain within the context of its recent preoccupation with citizenship. In fact, it would be useful to examine whether the fact that citizenship and participation are assuming such importance is having an impact on the definition and promotion of a heritage with which all British citizens can identify. With respect to this question, the reports on citizenship education might, for example, be consulted.

[9] C.R.E., (1996) Annual Report 1995 and The Runnymede Trust, " Race" in the Media: Formulas and Stock Images. The Runnymede Trust is a non-governmental organization that has considerable influence in Britain's political life.

communities and providing fairer media coverage in this regard. Some local newspapers go so far as to hire journalists who work for the "ethnic" press to write about subjects of concern to the latter. Several British publications focus specifically on the the cultural or religious life of particular minority groups. There is also a substantial number of papers published in certain minority group languages.[10]

British citizens have a duty of allegiance to the Crown that stems from the subject's common law obligation to obey and serve the sovereign. Proof of that duty can be found in the statutory provisions directed toward such crimes as treason or those pertaining to State security, particularly mutiny or disaffection, or the disclosure of official secrets: ". . . those who have acquired their British citizenship by naturalisation or registration may be deprived thereof where, inter alia, they have shown themselves 'by act or speech to be disloyal or disaffected towards Her Majesty,' (*British Nationality Act 1981*, s.40(3)(*a*))." (Gardner 1997: 143).

The duty of allegiance is specified in the oaths required in certain contexts. For example, during naturalization or registration as a British citizen, the candidate must swear an oath of allegiance to "Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law" *(British Nationality Act 1981*, s.42 (1); Sch. 5). This duty of allegiance is also embodied in the obligation of military service and, in a less explicit manner, "in the provision by the State of an adequate and effective legal system including, particularly, a system of criminal law and justice with provision for enforcement" (Gardner 1997: 144).

2. Social, cultural and transnational belonging

2.1 Poles of belonging

In 1995, ethnic minorities constituted 5.7% of Great Britain's total population.[11] Indians are Great Britain's largest ethnic group, accounting for almost 27% of the minority population. Pakistanis come next with 17%, followed by West Indians with 15%. In 1995, England received 96.5% of "ethnic" immigrants, Scotland 2% and Wales 1.5%.

A survey carried out by the Policy Studies Institute found that, of all the ethnic groups, discrimination was strongest against Asians, particularly Moslems (Modooq 1996: 182).

The *Race Relations Act* of 1976, which is still in force, just marked a turning point for England's minorities, giving them a political voice:

First of all, the amendments made removed the most significant obstacles to truly effective action, which had hampered past legislation. Next, the Act's drafting stage included a dialogue with the main Black organizations, which allowed the Act to be, to some extent, a reflection of the concerns of groups affected by discrimination. This is a natural reflection of the movement from the concept of racial relations as a problem to be governed by public authorities (where the populations descended from immigrants would merely be objects of state action) to a vision of ethnic minorities as social groups having specific claims and an obligation to participate in the process of defining public policy. As a result, for the first time, the Act of 1976 has real legitimacy among ethnic minorities (Crowley, 1992: 98). [Translation]

2.2 Relative significance of diversity

Ethnic minorities in England are concentrated in the most urbanized areas. This is particularly evident in the London area which encompasses 60% of the entire Black minority, 53% of all Bangladeshis and 42% of all East Indians (Lassalle, 1997: 86).

This spatial segregation is accompanied by obvious social segregation, since ethnic minorities are frequently concentrated in areas with socioeconomic characteristics specific to each minority (underprivileged areas of city centres, high unemployment rates, overcrowded apartments and a low

[10] For a description of the ethnic press, read Lassalle 1997: 327-30.
[11] These estimates are taken from the 1997 survey. Lassalle 1997: 81.

percentage of homeowners); these are very different from environments where most of the white population lives (prosperous or working-class suburbs in large industrial cities and rural districts) (Lasalle, 1997: 112). [Translation]

3. Effective system of rights

The main law which regulates access to citizenship in Great Britain is the *British Nationality Act* of 1981, which took effect on January 1, 1983. This Act abolished the *jus soli*: now children born in the United Kingdom are entitled to full British citizenship at birth only if their parents are already British citizens or permanent residents of the United Kingdom. Children of non-citizens, students in transit or on holiday, or illegal aliens can no longer benefit from British citizenship (Crowley, 1992: 101).

Not all rights in Great Britain depend on acquiring British citizenship.

The British Nationality Act (1981) defines a British citizen, and certain other statutes such as the Representation of the People Act (1983) refer back to this definition in conferring the right to vote or stand for election or enabling provisions. On the one hand, non-citizens can exercise what we would normally believe to be key aspects of the formal relationship between individuals and the State, such as voting, which do not depend on holding United Kingdom citizenship. Commonwealth citizens may vote in the UK, for example, as may citizens of the Irish Republic. On the one hand, the right of residence—often regarded as an attribute of citizenship based on nationality—is not enjoyed by a significant number of individuals whose nationality status depends on, or is regulated by, the British Nationality Act of 1981. The United Kingdom definition of nationality creates classes of citizenship. The opportunity for citizens to participate in the political process depends on another attribute of the individual, namely residence. This attribute is a right for some class of citizen but not for all (EC, 1990: 16).

In fact, civil rights are granted to all inhabitants, whereas political rights are granted to citizens of Britain, the Commonwealth and, in some cases, the European Community. Moreover, an individual's residence in England bestows certain rights and obligations on him:

Aliens are entitled to avail certain rights, which can be broadly classed as "social and economic rights," while resident in the UK. These rights include the right to treatment under the National Health Service, supplementary welfare benefit and social security. A local education authority is under a duty to bestow on persons who are "ordinarily resident in the area of the authority" awards in respect of attendance on certain educational courses. None of these provisions is restricted to British citizens or Commonwealth citizens per se, although obviously it must be presumed that in order to take up residence and avail of them most aliens will have complied with any applicable immigration requirements (Gardner, 1990: 68-69).

Candidates for British citizenship must not renounce the citizenship they already have before becoming British citizens. By accepting dual citizenship, the British government wants to state that, in our modern world, individuals can have more than one allegiance: allegiance to the country in which they are living, as well as allegiance to their country of origin.

In 1215, with the signing of the Magna Carta, Great Britain became a leader in matters of rights and freedoms. In Great Britain, fundamental freedoms are recognized, where these have not been restricted by legislation: "the individual's rights are residual; individuals are free to do what is left over after laws have imposed piecemeal restrictions where Parliament thought them necessary (Walker v. Baird [1892] AC 491)" (Gardner, 1990: 71).

In October 1998, the British government passed introduced an act to incorporate the *European Convention on Human Rights* into the British legal system. Until recently, British citizens who wanted to claim their rights had to appear before the European Court of Human Rights in Strasbourg, which proved to be a slow and costly process. With the passing of this act, judges will now be in a position to enforce the rights of British citizens before the courts of the United Kingdom. Contrary to Canada, however, the judges will not have the authority to declare acts that breach the Convention invalid. Nevertheless, they

will be able to rule that an act is incompatible with the Convention. This will be done in the hope that the government and Parliament will change the act accordingly. Some critics have voiced their concerns by saying that this gives judges too much power, at the expense of parliamentary sovereignty.

Within the British body of laws, certain provisions were adopted—most of the time after public debate—with the specific objective of recognizing cultural and religious diversity. The following examples are taken from Stéphane Bernatchez's report *La prise en compte de la diversité religieuse et culturelle au Canada, aux États-Unis, en France et en Grande-Bretagne : aspects juridiques.* Thus, the *Oaths Act* of 1978 allows the members of all religious denominations to take an oath on the book that reflects their religious beliefs.

In 1972, the British Parliament enacted a law that made it mandatory for motorcyclists to wear helmets. Following a protest campaign by Sikhs, the act was amended in 1976 to exempt Sikhs from wearing helmets. The same situation applies to the construction industry, where the Employment Act exempts Sikhs from having to wear hard hats on construction sites. Likewise in the police and armed forces, Sikhs are permitted to wear turbans. (Bernatchez, 1996: 85). [Translation]

Apart from legislative provisions, cultural and religious diversity is also recognized through legal process. In Great Britain, social laws occupy pride of place in judicial culture: "When asked directly what were the most important rights" the majority of British citizens had no hesitation in according primacy to social rights "to a minimum standard of living, to medical care, to a job, and to education" (Johnson Conover et al 1990, 13), (EC, 1990: 6).

Moreover, the report *Encouraging Citizenship* reproduces and supports Dahrendorf's analysis on social laws:

We support the analysis put to us by Dahrendorf: "From an early point onwards in our century, more and more people came to believe that civil and political rights are not worth an awful lot unless they are backed up by certain basic social security which enables people to make use of these rights and makes it impossible for others to push them around in such a way that the rights become an empty constitutional promise without any substance . . . a floor on which everyone stands and below which no-one must fall" (Dahrendorf, Commission on Citizenship, 4) (EC, 1990: 7).

All the social welfare mechanisms available to citizens are defined in the White Paper of 1997 as: "both the universal guaranteeing of minimum access to certain goods and services deemed essential—subsistence, vital medical care, housing and education—and cover against a number of contingencies—sickness, unemployment and old age" (Gardner, 1997: 79). Employee benefits are divided into two categories: those that require a contribution and those that are provided automatically. The first category includes the following: job seeker's allowance, incapacity benefit, maternity allowance, widow's benefit, retirement pension and special children's allowance; while the following benefits are found in the second category: attendance allowance, severe disablement allowance, invalid care allowance, disability living allowance, guardian's allowance, retirement pension and age addition (Gardner, 1997: 81).

With regard to social security, the European Community has certain provisions that apply to all member nations, including the U.K., and that operate at two levels:

Firstly, it is sought to establish a personal rather than territorial basis for the application of social security laws. The aim is for benefits to follow the individual who moves from state to state. Secondly, the European community seeks to ensure the equal treatment of men and women in the award of social security benefits (Gardner, 1990: 73).

3.2 Programs and measures

Discrimination in Great Britain is expressly prohibited on specific grounds such as sex, race, disability, nationality or ethnic origin. The provisions focus on discrimination in the areas of employment,

education, access to goods, public services and others, for example discrimination in publicity (Gardner, 1997: 132). The race relations policies adopted by Great Britain aim at providing equal opportunities to all citizens through anti-discrimination legislation. Systemic discrimination (regulations or legislative provisions that have an unintended discriminatory effect) is also prohibited and affirmative action is forbidden.

The *Race Relations Act 1976* created the Commission for Racial Equality (C.R.E.), which enables individuals to bring complaints. The Commission can also initiate legal proceeding or conduct formal investigations and impose statutory penalties. This act also prohibits indirect discrimination on the same basis as direct discrimination, that is "acts which are not intentionally discriminatory but which have clearly discriminatory consequences." (Crowley, 1992: 98).

The Commission for Racial Equality (C.R.E.) was given three main roles. First, to fight all forms of discrimination. Second, to promote equal opportunities and harmonious relations between ethnic groups. Third, to oversee the enforcement of the Act and suggest any amendments that should be made to improve it (Lassalle, 1997: 314).

One of the C.R.E.'s initiatives was the introduction of "a code of practice designed to eliminate discrimination in the workplace" (Lassalle, 1997: 316). The courts have used this code in their adjudications in employment-related cases since April 1984.

It should be noted that despite the significant improvements brought about by this act, the *Race Relations Act* has been condemned for failing to address explicitly the issue of discrimination on the grounds of religion.

The Race Relations Act, 1976, is designed to outlaw some forms of this differential treatment, though, by failing to explicitly recognise religious identity and religious discrimination, it itself contributes to a new form of religious inequality, namely the inequality in law between those religious groups that the courts recognise as ethnic groups and those that they do not (Modooq, 1994: 57)

In addition, the Commission for Racial Equality's complaint review process has also been criticized for failing to treat all minority religious groups equally:

In fact, complaints of racial discrimination are only accepted if the person making the complaint is able to provide evidence that the discrimination is related to his membership in a group protected by the Act. This does not generally present any legal problem when individuals of non-European origin are involved, which is not always the case. Therefore, current case law identifies "ethnic or racial" groups not defined as such in the last census, including Gypsies, Jews, Irish and Welsh. Sikhs are now also specifically protected by the Act, given their long history and cultural traditions that set them apart from other Indians. However, religion alone is not a sufficient ground for obtaining protection under the Act, since Rastafarians and Muslims are not included (Coleman and Salt, 1996: 13) (Lassalle, 1997: 72-73).

We will return to this debate regarding inequality of opportunity for different religious groups in the second half of this chapter.

In 1990, the Commission on Citizenship identified the obstacles to [exercising their] citizenship most often faced by citizens:

Poverty, bad housing, unemployment, religious, racial and sexual discrimination, physical and mental disability and ill-health, as well as the need to care for dependent members of the family, interact with one another to disadvantage a significant part of the population and prevent them from participating in ways that others take for granted (EC, 1990: 21).

In this connection, the British government has reiterated its commitment to providing equal opportunities for all individuals to exercise their citizenship. This commitment includes a series of protection and social measures. Following the publication of a report by the Local Government Management Board, the

government recently publicly committed itself to respecting equality of opportunity, particularly with regard to Blacks and Asians in public service. In addition, government departments have taken the initiative to address the problem of ethnic minority under-representation among their staff.

This special funding (section 11, Local Government Act) provided by the Labour government is designed to help local councils promote racial equality. The funds are to be used both to pay the various stakeholders, such as teachers, interpreters or social workers, and to tackle all types of racial harassment (Lassalle, 1997: 72).

Other funding programs are anticipated under the urban renewal program in the fields of education, social services, health and housing (Urban Program, Grant-Related Expenditure Assessments (G.R.E.A.) and in 1994 a new program, the Single Regeneration Budget, was launched to "boost the economies of the most depressed zones" (Lasalle, 1997: 72).

4. Political and civic participation

4.1 Areas of participation

Although the 1990 report on citizenship found that citizens were more likely to participate in their political communities by way of civil organizations, it also found that participation in political parties remained important owing to the influence of this type of participation on a country's political life. In fact, in this regard it mentions that:

The organisational side of political parties provides a diverse set of career paths and those who choose this avenue often end up very close to the seats of power. Similarly, those who choose to seek office can rise to positions of very considerable power in local government and national government. Their problem is seldom lack of opportunity; the constraint is more likely to be financial, in that to run [for] a major local authority committee takes so much time that to combine it with a lucrative job is difficult. Because of the general importance of the political system, amongst school children in Britain the scope for exerting influence through party politics is little understood. This is an important failure of our present education in citizenship. The Commission believes that schools should make better known the workings of the political system, and its accessibility (EC, 1990: 27).

It should be noted that in Great Britain, particularly in certain key ridings in the urban districts of London, Birmingham, Bradford, Leicester, Blackburn and Huddersfield, members of ethnic minority groups comprise a significant percentage of the electorate (sometimes up to 20% of registered voters) and this share is growing constantly (Lasalle, 1997: 284).

The Commission on Citizenship, in its 1990 report Encouraging Citizenship, broadened its field of study on citizens' roles in their political communities, going beyond formal structures and official institutions because it found that in the distribution of "civil, political and social entitlements and services," an important part was also played by "the numerous forms of independent and voluntary contribution to society and its citizens" (EC, 1990: xvi).

Parliament, local councils, the magistracy, the trusts of voluntary bodies, school governing bodies, the lay councils of trade unions, locals chambers of commerce and a great range of other bodies represent valuable opportunities for citizens to be involved in public policy making and decision making (EC, 1990: 18).

Also, the Commission on Citizenship noticed a change in the way in which citizens participate in their community's well-being:

Fund raising, according to a recent Volunteer Centre Survey, was the most common type of voluntary activity. Nearly half the public (47 per cent) had done this, followed by a third who had helped organise activities or events (31 per cent) and a quarter who had cared for a dependent relative (24 per cent) (EC, 1990: 26).

Moreover, studies also stressed that individual involvement was stronger in independent organizations than in political parties (EC, 1990: 26). Citizen investment in environmental protection groups was seen to be particularly significant. In this regard, it is mentioned in the report that:

Environmentalism can be regarded as symbolic of the new relationship between individualism and collectivism, as a balance between social responsibility for the environment and personal awareness of our relationship to that environment. There may be a continued decline in organised institutional collectives, but there is likely to be a growth in pressure groups concerned with a specific issue, either with a wide remit like environmentalism or concentrating on one issue like banning cars from city centres (EC, 1990: 28).

To this end, the report recommends the following: "we propose a sector by sector review of the relationship between the statutory and voluntary bodies involved in public services which would define the frontier between them and their respective roles and responsibilities" (EC, 1990: xvii). [Translation]

Volunteer involvement is seen as having a number of benefits. In effect, according to the report of the Commission on Citizenship, volunteer involvement is beneficial for the organizations in which citizens are involved: it helps to improve quality of service and to instil greater motivation in employees, as well as improving communication between clients and staff. With regard to citizens, it helps dispel some of their preconceptions and can also help young offenders overcome their problems and contribute to improving the effectiveness of services offered to citizens. In the longer run, those who receive care will also ensure its future delivery (EC, 1990: 31-32).

The British government has launched various initiatives in order to put citizens' skills to good use and get them involved in running their public institutions. For instance, in *British Governance News Review* (Issue 3, Spring 1998), one can find headings pointing to various initiatives. Thus "Government Sets up People's Panel" describes a 5000-member public panel that has been established by the government to provide information on what the public thinks of public services and of improvements that could be made to them. Some issues have already been identified: the use of information Technology, awareness of the Citizen's Charter, complaints handling procedures, and the levels of information currently available to the public. "Guidance on Participation Through Citizens' Panels" is another initiative. Citizens' panels are increasingly being used by local authorities in Great Britain as a way of evaluating and discovering the opinions of local residents on a variety of issues, such as the provision of local services and the local environment. They can take the form of questionnaire surveys or discussion groups.

In Great Britain, the union movement (Trades Union Congress) is active in the fight against all forms of discrimination and racial prejudice. The T.U.C. has taken different initiatives:

The T.U.C. also has regional structures dedicated to race relations as well as a specific service for equal rights (Equal Rights Department) which defends the interests of unionized women, ethnic minorities, disabled persons, gays and lesbians. Certain unions, specifically those affiliated with the T.U.C., are working toward greater participation by and recognition of minority groups. Committees specifically representing the members of minority groups have been established and have had a considerable impact on union policy direction[12] (...) For instance, the T.U.C. recently published a guide for union leaders on how to tackle racial discrimination cases, as well as a policy document setting objectives and defining ways of improving the representation and involvement of visible minority workers in unions (Lasalle, 1997: 279-80)[13]. [Translation]

4.2 Required skills

Among the recommendations in the 1990 report of the Commission on Citizenship was one that individuals learn their role as citizens. The Commission on Citizenship identified the following among the

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Committees of this type are found in the following unions: UNISON, NUJ, NATFHE, NAPO, GMB and BIFU, as well as in teachers' and operational organizations.

[13] T.U.C, (1995), *TUC Guide to Tackling Race Discrimination at Work: How to Use the Race Relation Act of 1976* & T.U.C. (1994), *Representation of Black Workers in Trade Unions: A Checklist for Action.*

principal obstacles to citizenship in 1990: lack of knowledge, legal confusion, obstacles to public office, unduly complex social legislation and lack of clarity about entitlements, duties and obligations of public institutions (EC, 1990: 22).

In this respect the Commission, while recognizing the difficulty of educating students in citizenship through different academic subjects, "recommends that a strategy should be developed and monitored for incorporating citizenship studies across the curriculum; and should consider a progress report regularly"; it also recommends that activities undertaken as part of learning citizenship skills across the curriculum should be included in a student's Record of Achievement (EC, 1990: xviii).

The Commission outlines certain skills that students should acquire before leaving school in order to become active citizens within their community:

Young people should leave a school with some confidence in their ability to participate in their society, to resolve conflict[s] and, if they oppose a course of action, to express that opposition fairly, effectively and peacefully. These skills within school may involve, for example:

- *the capacity to debate, argue and present a coherent point of view;*
- *participating in an election;*
- *taking responsibility by representing others, for example on a School Council;*
- *working collaboratively;*
- *playing as a member of a team protesting, for example by writing to a newspaper or councillor or local store.*

The development of social, planning, organisational, negotiating and debating skills is a major part of this theme (EC, 1990: 38).

As for initiatives put in place to ensure that citizens are well informed about the working of politics, a white paper entitled *Your Right to Know,* outlining proposed legislation on freedom of information, was published by the British government. The law would apply to the principal government departments, non-governmental public bodies, local authorities and other public agencies, as well as to private industries and organizations which have statutory functions. The law would grant the public right of access to official documents, except when the disclosure of such information may cause substantial prejudice. Certain spheres of government, such as security and intelligence services are not covered under this law.

4.3 Obligations and responsibilities

To strengthen the feeling of responsible citizenship, greater consultation with citizens on the decisions taken by public officials' has become a priority in Great Britain. British authorities are trying to promote citizenship and they have already taken measures in schools and elsewhere to encourage greater involvement and help foster an interest in local affairs among young citizens. The Secretary of State for Education and Employment recently announced the creation of a citizenship and democracy education advisory group to assess the introduction of a citizenship education course in the schools.

With regard to social responsibilities, other than the obligation to pay taxes and to take part in jury duty, it seems that respect for the law, combined with a more general emphasis on civility or obedience to community norms, emerged as the most important obligation during a citizen survey (Johnston Conover et al 1990: 21). According to the Commission on Citizenship, assumption of social responsibilities by citizens will help strengthen British social cohesion (EC, 1990: 38).

II-Interrelation between the conceptual framework's macro-concepts

In addition to its impact on education, the publication of the Swann Report in 1985 also had a determining influence on Great Britain's official policy, one of whose stated objectives is: "to preserve and transmit the national values in a way which accepts Britain's ethnic diversity and promotes tolerance

and racial harmony" (Vermeulen, 1998: 74). The Swann Report tries to introduce elements to redefine the British nation as multicultural and multireligious. Among the obstacles to this objective, it points to the prejudices of the majority (EFA, 1985: 4):

in order to retain their identities when faced with the pervasive influences of the lifestyle of the majority community, ethnic minority groups must nevertheless be free within the democratic framework to maintain those elements which themselves consider to be the most essential to their sense of ethnic identity "whether these take the form of adherence to a particular religious faith or the maintenance of their own language for use within the home and their ethnic community" without fear of prejudice or persecution by other groups (EFA, 1985: 5-6).

The report recognizes that the presence of ethnic minorities in Great Britain necessarily implies different ways of belonging to British society, which leads to a recognition of pluralism in this society:

we are perhaps looking for the "assimilation" of all groups within a redefined concept of what it means to live in British society today (...) We are not seeking to fit ethnic minorities into a mould which was originally cast for a society relatively homogenous in language, religion and culture (...) Nor [are we seeking] to break with this mould completely and replace it with one which is in all sense "foreign" to our established way of life. We are instead looking to recast the mould into a form which retains the fundamental principles of the original but within a broader pluralist conspectus (EFA: 8).

As Favell stresses, by refraining from expressing an opinion on the limits of pluralism, the Swann Report left the determination of what are legitimately acceptable as cultural practices to the sociological process that the majority cultural context imposes on minorities (Favell, 1998: 129).

Furthermore, Modooq suggests that the existence of minorities within British society lends emphasis to the psychological and political need for clarity regarding the common framework and national symbols.

For clarity about what makes us willingly bound into a single country relieves the pressure on minorities, especially new minorities whose presence within the country is not fully accepted, to have to conform in all areas of social life, or in arbitrarily chosen areas, in order to rebut the charge of disloyalty. It is the absence of comprehensively respected national symbols in Britain, comparable to the constitution and the flag in America, that allows politicians unsympathetic to minorites to demand that they demonstrate loyalty by doing x or y or z, like supporting the national cricket team in Norman Tebbit's famous example (Modooq, 1994: 64-65).

The Commission for Racial Equality ruled in 1990 that equality of all citizens requires more than tolerance toward ethnic groups; they must also enjoy public recognition, resources and rights of representation. The public expression of multiculturalism comprises several dimensions, in particular the use of minority languages in schools and administrations, as well as a place reserved for minority cultures in education and the media.

In particular I think there is an ethnic assertiveness in Britain which has parallels with North America, and which has been less evident amongst recent migrants and their descendants in other European Union countries, where cultural assimilation is still regarded as integral to citizenship and political equality (Baldwin-Edwards and Schwain, 1994). This assertiveness, based on feelings of not being respected or of lacking access to public space, often consists of counterposing positive images against traditional or dominant stereotypes, of projecting identities in order to challenge existing power relations or to renegotiate the sharing of physical, institutional and discursive space. At the very least one would have to say that a significant anti-racist challenge is taking place to the presumed stigma associated with not being white or conventionally British (Modood et al, 1994)[14].

Opposed to this concept of multiculturalism, which requires a redefining of the boundary between the private and public spheres by developing the concept of a public ethnicity, is, for example, that advanced

[14] *Modood, 1996: 184-85.*

by John Rex. John Rex argues that, contrary to a pluralist society where equality is strongly compromised, a multicultural society should restrict cultural diversity to a private sphere so that all citizens enjoy equal and identical treatment in the public domain: "Thus multiculturalism in the modern world involves on the one hand the acceptance of a single culture and a single set of individual rights governing the public domain and [on the other,] a variety of folk cultures in the private domestic and communal domains" (Rex, 1985: 6).

Yet, in Great Britain, both the Conservative Party and the Labour Party now recognize the need for a public recognition of multiculturalism. Equality of opportunity is an important part of this recognition and it is institutionalized in the form of anti-discriminatory and anti-racist policies and legislation.

In this respect, it is necessary to stress that the struggle against racism in Great Britain has taken the form of a struggle against institutional racism, which is perceived as being "the cause of racist attitudes and discriminatory behaviour." Prejudices, racism and discrimination are only expressions of a racist social structure at the individual level (Crowley, 1992: 105). The basis of a political program that such a view of things implies is found in the struggle against all those elements of British (and more generally European) culture that include implicit racial stereotypes that influence people, if only subconsciously, including those who consider themselves entirely free of stereotypes. The various initiatives undertaken include the "denunciation of all pejorative uses of the word 'black'" and "attacks against the Eurocentric nature of history or literature programs" (Crowley, 1992: 105).

However, the policy on race relations and tolerance toward minority groups has been severely put to the test by criticisms levelled against it concerning its treatment of religion. Because of the relationship between the State and the Church of England in Great Britain, namely the identification of the official religion with the supreme symbol of national identity, the British Crown, one talks about an establishment religion (Moodoq, 1994: 55-56). This has stirred much controversy in Britain, since some claim that the existence of an establishment religion goes against the equality of all citizens, especially those citizens who are part of religious minority groups.

...Professor Bhikhu Parekh, a distinguished deputy chairman of the Commission for Racial Equality in the 1980s, has argued that "full citizenship [includes] the right to shape the public culture" and therefore, to ground the public culture in Christianity is to treat non-Christians as second-class citizens (Parek, 1991/2: 47) (Modooq, 1994: 56).

The Swann Report was also criticized in this connection for its failure to deal with religious education in schools:

The Swann Report on education and ethnic minorities is the single most important policy document to advocate multiculturalism, yet its reservation about religious instruction in schools and its views that denominational schools were divisive was rejected by Muslims groups, arguing that Swann diversity was really secular assimilationism (Modooq, 1994: 62).

Britain's Muslim community has maintained that the pluralism put forward by the Swann Report was nothing more than a secular assimilation policy. The Salman Rushdie affair in 1989 and the Gulf War also contributed to creating a climate of distrust and tension between the Anglo-Saxon majority and the Muslim minority. Many Muslims feel that the British are prejudiced against them and that they are being treated unjustly because of the discrimination practised toward the Muslim community. Thus, through various demands in the cultural and social spheres, they have sought to remedy this situation. First, they demand that the *Race Relations Act* of 1976 be modified to explicitly include religion as a criterion of discrimination.[15] Second, they request the creation of Muslim schools, subsidized by the State, that

[15] In fact, Muslims wish to be protected by an anti-blasphemy law in the same way as the Christian churches, particularly the Anglican church. The 1976 law only recognizes discrimination based on colour, race, nationality or ethnic origin, but jurisprudence has already extended its scope to include Judaism and Sikhism, which are no longer viewed merely as religious dominations but as full-fledged ethnic or racial groups, whereas Islam still does not benefit from this protection (*Runnymede Bulletin*, 1995: 6-7) (Lassalle, 1997: 272).

would offer their children an environment in keeping with their religion.[16]

Thus, Great Britain seems to have created favourable conditions for equality of opportunity in social, economic and political matters; it has introduced legal provisions to guarantee equal rights to all citizens. In recent years, it has attempted to develop a policy focussed on promoting the idea of an active citizen who is involved in his or her community. With regard to religion, however, it does not seem to have succeeded in taking the multicultural challenge and offering equal opportunities to all its citizens, especially those belonging to minority groups (Vermeulen, 1997: 142).

[16] In the 1993 census, there were 21 private Muslim schools in Britain, none of which was subsidized by the State, contrary to the country's 2100 Anglican schools, 2100 Catholic schools, 21 Jewish schools and four Methodist schools (*Runneymede Bulletin*, 1993: 9). The situation has hardly changed since then and State financing for Muslim schools is fiercely contested by the government, which has already rejected two requests for Voluntary Aided Status, which would permit independent schools to join the public sector while at the same time benefiting from State subsidies . . . Recent figures indicate that the number of private Muslim schools has reached 47 throughout the country and the number of schools subsidized by the State, none of which are Muslim, is now over 5000 (Q-News, 1996) (Lasalle, 1997: 274).

CHAPTER 5: CITIZENSHIP IN CANADA[17]

Before applying the conceptual framework to Canadian citizenship, we will examine the interrelationship between the macro-concepts that make up the framework, that is, national identity; social, cultural and supranational memberships; effective rights; and political and civic participation. It is important to remember that according to the structure of the conceptual framework, an interrelationship may occur between macro-concepts located on both of the axes we identified in the first chapter: the identity axis, where national identity and identities associated with specific memberships are related, and the equality axis, where the interrelationship is between the system of rights and political and civic participation.

In the first part of this chapter, we turn our attention first to the identity axis. However, it is impossible to give a full account of Canadian citizenship without taking into consideration the interplay between the vertical axis - identity - and the horizontal axis - equality. We will see in the second part that in order to understand Canadian citizenship, one has to consider the relationship between the effective rights and national identity, which makes it possible to account for the very widespread notion that rights must be the predominant characteristic of the national identity that is shared by all Canadians.

Dans la troisième partie, nous expliciterons les liens étroits et nombreux que relient la composante 3 (régime effectif de droits) avec la composante 2 (appartenances sociale, culturelles et supranationale). C'est dans cette partie que nous considérerons comment les politiques fondamentales du pays et la politique du multiculturalisme appliquent le régime d'égalité à la reconnaissance des identités différenciatrices dans la citoyenneté canadienne. Dans la quatrième partie, nous aborderons une caractéristique de première importance de la citoyenneté canadienne, celle des droits économiques et sociaux progressivement instaurés par le régime d'État providence, que se sont donné les Canadiens dans les cinquante dernières années du présent siècle. Le régime de protection sociale du Canada est un aspect essentiel du régime effectif de droit qui relie ce dernier à l'identité nationale, d'une part, et à la protection des minorités, d'autre part. La quatrième partie montre comment ces liens se sont tissés par le passé et accorde une attention spéciale aux modifications qui ont été apportées au régime de protection sociale au cours des dernières années et l'impact de ces modifications sur la citoyenneté. La forte prédominance accordée aux droits dans la définition de la citoyenneté au Canada n'a pas seulement un impact sur l'identité nationale et le traitement des minorités ; elle a aussi un impact sur la participation civile et politique, qui est la quatrième composante du cadre conceptuel. Nous dégagerons les liens les plus significatifs qui relient cette composante aux trois autres dans la quatrième partie.

1. National identity and specific memberships.

In characterizing Canadian citizenship, it is essential to consider these two components of the identity axis in relation to each other; otherwise it would be impossible to grasp the complexity of Canada's national identity. In reality, each of the sub-concepts of the conceptual framework that defines national identity bears the mark of multiple identities that are linked to specific memberships, for which macro-concept 2 - social, cultural and transnational memberships is intended to account. That is what is brought to light by systematic application of this axis of the conceptual framework to the situation in Canada.

Canada differs in many respects from the societal model described by Kymlicka that is predominant in western democracies.

[...] most Western democracies have aspired to the American or French model of a 'nation-state', in which all citizens are integrated into a common societal culture. It was seen as 'normal' and desirable for each country to have a single societal culture throughout its territory. And so all democracies have engaged in various forms of 'nation-building' to bring this about. They have promoted a common language and a sense of common membership in the social institutions based on that language. Decisions regarding official languages, core educational curricula, and citizenship requirements have all been made with the

[17] Written by Stéphane Bernatchez, Michel Pagé and France Gagnon.

express intention of diffusing a particular language and societal culture throughout society, and of promoting a particular national identity based on participation in that societal culture. (Kymlicka, 1998: 29)

The country comprises two national minorities which are, according to Kymlicka's definition, "historically settled, territorially concentrated, and previously self-governing cultures whose territory has become incorporated into a larger state. Such groups include the Québécois and Aboriginal peoples in Canada [...]" (Kymlicka, 1998: 30). What this means is that in addition to belonging to the Canadian nation, some citizens define themselves first and foremost in reference to one of the national minorities, whereas for others, identity is defined primarily by their membership within the Canadian nation, in which they are the majority.

In addition to its national minorities, Canadian society is composed of groups of immigrants and descendants of immigrants whose distinct identities have been officially recognized since Canada proclaimed itself a multicultural country in 1971. In granting official recognition to its many ethnocultural components, Canada defined itself as a country whose national identity is not characterized by one dominant ethnic culture. Immigrants are integrated into the Anglophone majority or the Francophone minority. Kymlicka wrote that immigrants "have typically accepted the expectations that they will integrate into the dominant societal culture. They have not objected to requirements that they and their children learn an official language, and that they participate in common institutions operating in that language" (Kymlicka, 1998: 35). *La culture sociétale dominante dont il est question dans cette citation est celle du Canada anglophone, pour la grande majorité des immigrants qui s'installent dans les provinces à majorité anglophone et celle du Québec francophone, pour une majorité d'immigrants qui s'intègrent à la société québécoise.* However, that integration is compatible with their continuing membership with a specific ethnocultural community. Integration into the societal culture, whether in Quebec or elsewhere in Canada, does not imply assimilation, which forces the person to renounce his or her specific identity. On the contrary, Canadian multiculturalism policy, as Kymlicka illustrates in convincing fashion by examining the objectives of the programs established under that policy, is intended to provide newcomers who wish to become citizens with fair terms of integration. "Multiculturalism instructs us to engage in a systematic exploration of the common institutions into which immigrants are pressured to integrate, to ensure that their rules and symbols do not disadvantage immigrant groups" (Kymlicka, 1998: 41). This means that if integration "into existing academic, economic and political institutions" is to be encouraged, those institutions have to be changed so that immigrants are accepted into them with their own identity (Kymlicka, 1998: 45).

Specific identities are guaranteed a place by the system of rights. Canada's multiculturalism policy is supported by the Canadian Charter of Rights and Freedoms, which urges institutions to avoid all forms of discrimination, religious discrimination in particular. Consequently, citizens not only become attached to specific beliefs, but the characteristics of the societal culture of their host society do not apply directly to all of the citizens who become integrated into that society, because the members of religious minorities, for example, can choose not to observe some of the standards of the societal culture that are at odds with the teachings of their faith.

In Canada, regional memberships are very strong.

Ethnic identities have not been the only things that have divided Canadians who have also always had strong community and regional identities and, as a former prime minister notes, 'the connections that draw together the members of our local communities don't extend farther, to reach to the whole country. Instead, more Canadians are focusing narrowly, as Quebecers, as Albertans, as aboriginals. (Sears et al., 1997: 14)

Sears, Clarke and Hughes continue:

The decentralized nature of the Canadian state is a major factor in Canadians developing and maintaining strong regional identities and it means that the public exercise of citizenship, particularly in the political realm of voting, lobbying, party work and holding public office, goes on at several levels. (Sears et al., 1998: 13)

Regional memberships are clearly reflected in national political representation. One of the most prominent features of Canadian political parties today is that they have regional voter support: the Reform Party is elected from two western provinces; the Bloc Québécois has all its voter support in Quebec; federally, the New Democratic Party now has its base of support in the Maritimes; even the Liberal Party that is now in power is strongest among voters in Ontario (but for the number of Liberals elected in Ontario, the Liberals would not have formed the current government).

A large number of Canadian citizens hold two passports and therefore have a non-exclusive relationship with their host country. Canada has never demanded that these new citizens give up their other nationality if they have one, and the new Citizenship Act did not change that situation.

Let us now look at how this diversity in Canadian society is reflected in the components of national identity.

1.1 Civic culture

It would not be unreasonable to think that among these components, civic culture is one that is universally shared, because it is a component of national identity to which all citizens must refer in order to define the basic structure of the country. It is based in large part on the Canadian constitution and the Canadian Charter of Rights and Freedoms. And yet that is not the case.

From the time the Constitution was passed in 1867, Canadian history has told of struggles between the central government and the provinces, Quebec in particular. Very soon after the Statute of Westminster in 1931, which is when the desire to build Canada on the nation-state model first emerged, and especially beginning in 1960, Quebec demanded more power in a number of key areas of government jurisdiction; this opposition to the Government of Canada's efforts to centralize has taken the form of 'traditional demands' that have always won virtually unanimous support from Quebec voters. Quebec has still not signed the 1982 Constitution. Despite the near-universal application of the Canadian Charter of Rights and Freedoms, entrenchment of the Charter in the Constitution is one aspect of civic culture on which Canadians are divided, as we will show in the second part. Quebec passed its own charter of rights and freedoms five years before the federal government passed the Canadian charter.

Civic culture also includes societal values that can be shared by all Canadians, such as those identified by the public inquiries conducted by the Senate and the celebrated Spicer Commission.

For example, the 1991 Spicer Commission argued that Canadians are united by their shared commitment to seven values : a) a belief in equality and fairness; b) a belief in consultation and dialogue; c) the importance of accommodation and tolerance; d) support for diversity; e) compassion and generosity ; f) attachment to the natural environment; g) a commitment to freedom, peace, and non-violent change. (Kymlicka, 1998: 150)

However, it is not easy to conceive of these values forming the basis for unity in a multi-component society. Many influential authors agree that the common values involved in this consensus cannot offer an absolute guarantee of social unity. For Kymlicka (1998), Norman (1995) and others, unity in a community of citizens cannot be guaranteed by common values, especially liberal values. That would be unrealistic. (Kymlicka, 1998: 150). The 'illusion' is thinking that because citizens share common values that transcend the national and linguistic borders that separate them, their common solidarity is assured.

Some authors agree that a political consensus is more attainable and can also be supported by standards and laws. That consensus is "a thinner schedule of political principles, sufficient to ground a fair democratic procedure of political decision-making" (Weinstock, 1996). It is fair to say that acceptance of these political principles is perfectly compatible with a broad spectrum of values and interests:

Different individuals and groups might come to adhere to it for any number of reasons, some because it fits in with their broader moral views, others on the more pragmatic grounds that it affords them the political space required in order to pursue their own religious or moral conceptions of the good, or to live

in thriving minority cultural communities. (Weinstock, 1996: 11)

Most observers of complex societies like Canada put forward the view that general agreement on political principles is by no means enough to ensure unity in those societies, whose national identity is split. The societies most often held up as examples are Sweden and Norway; the Catalans and Castellans in Spain; and the Flemish and Walloons in Belgium. Sharing political principles obviously facilitates relations between conflicting groups in a political community, but those principles cannot guarantee that the national identity will be universally shared. As Kymlicka clearly demonstrates in the case of Canada, sharing a number of political values (liberal democratic values) does not lead to reconciliation of conflicting national identities (Kymlicka, 1998: 151).

As has been often-times noted, Canadians and Québécois have never converged as much as they do today over basic moral and political orientations, yet they have never been closer to a definitive break-up. (Weinstock, 1996: 14)

Despite efforts to establish as the foundation of Canada's national identity civic principles and values that can be shared by all citizens, equal rights, for example, it appears that civic culture alone cannot sustain a national identity that is sufficiently unifying and specific.

1.2 Societal culture

As we just illustrated, civic culture is not a reference capable of ensuring the unity of a national identity. This becomes even more apparent when we look at the matter from the standpoint of societal culture. It would be useful at this point to reiterate Kymlicka's definition of societal culture:

A societal culture is a territorially concentrated culture centred on a shared language that is used in a wide range of societal institutions, including schools, media, law, the economy, and government. Participation in such a culture provides access to meaningful ways of life across the full range of human activities - social, educational, religious, recreational, economic - encompassing both public and private spheres. (Kymlicka, 1998: 27)

The harsh reality in Canada is that there is no one societal culture which fits that definition. Canada has two official languages and considers itself a bilingual country. In contrast to most countries, it does not have a universally spoken language, which is always the most obvious feature of national identity. What this means is that Canadian citizens identify with one of the two linguistic communities depending on their mother tongue or their second language.

Citizens are characterized by their acceptance of distinct institutional standards. The societal cultures of national minorities are not completely independent of the Canadian societal culture, especially in terms of the obligation to respect "national standards" in order to receive federal transfer payments to the provinces, but they do constitute a basis for distinction that is significant none the less. As we will show in the fourth part, the issue of national standards in social programs is currently the focus of an intense political debate over the social union. That debate sheds light on the importance Canadians attach to common standards in order to define Canadian identity and resistance to the federal government's desire to interfere in areas of provincial jurisdiction.

Quebec society has a complete French-language institutional culture, many aspects of which are different from those of the other Canadian provinces. Quebec institutions stand apart not only because of the language spoken in public forums, but also because of the public culture conveyed by the media. In addition to the national minorities that fragment the national societal culture, major elements of the country's societal culture are decentralized (education, for example, an area of provincial jurisdiction). Nor are there any major national Canadian newspapers; the National Post, which claims to be the first, is still in its first year of operation and has not proven that it is truly pan-Canadian in scope *"en publiant, par exemple, des articles dans les deux langues"*; the national television broadcaster is split into two networks *"et chacun a sa clientèle respective qui goûte ses émissions culturelles propres et se fait expliquer l'actualité par des émissions d'affaires publiques parallèles"*.

French-Canadian citizens from Quebec and those who identify with that group consider their Canadian subnational membership to be an important part of their identity; Aboriginal persons are doing so more and more openly and with increasing pride. In contrast to those two minority groups, English Canadians prefer to define their identity in terms of their membership with the Canadian nation, even though they are unable to entirely embrace Canada's national identity, which is basically divided in terms of language, and all the other aspects that the conceptual framework leads us to consider. Even though English is in reality the dominant language in Canada, Anglophone Canadians cannot assume that their identity is a perfect match for the national identity on the very important grounds of language because of the recognition of English and French as components of that national identity.

Citizens whose first language is French know full well that their language is an official language in Canada and they may turn to the national identity in defining their own identity, but it appears that French is in reality an identifying characteristic primarily associated with a minority membership. Quebec Francophones prefer to identify with their Quebec membership first in defining their identity, especially on the language front, in order to relieve the burden of their minority status. Francophones in other Canadian provinces do not have that option and accept minority status when they define their identity in terms of their first language. Aboriginal persons, like Quebecers, define their identity in terms of their first language and want to confirm their status as a self-governing nation in order to likewise relieve the burden of their minority status.

It is important to note that Canadian identity is not necessarily denied by citizens who define their identify primarily in relation to their specific membership. As surveys show time and again, a vast majority of Quebecers believe that membership with the Canadian nation is part of their identity. Aboriginal persons embrace the same combined identity.

It should also be made clear that the reference to a Quebec identity comprising characteristics specific to that society does not equate with defining an exclusive identity held only by current descendants of French Canadians. On the contrary, as clearly illustrated by the recent report on citizenship education by the Superior Council on Education (1998) and as other major documents have noted of late (in particular the Cross-cultural Relations Council 1997), the characteristics advanced as the basis for the definition of Quebec identity are properly inclusive. The model of citizenship that is advocated puts a great deal of emphasis on membership with Quebec society defined as common public space that is not dominated solely by the cultural identity of the majority. The big challenge for citizenship education is striking a new balance between the transmission of a heritage that has a strong identifying influence and at the same time integrating the growing diversity of the Quebec population (SCE, p. 35).

1.3 Heritage

On the heritage front, references unifying all of Canadian society are even more scarce. Because the country is so big, natural features differentiate one region from another. The venerated symbols of Canadian heritage are different, among them the national flag, which has to compete not only with the provincial flags, but also with the national flags of ethnic groups. *Le sport national, qui auparavant pouvait servir de référence à une identité canadienne " coast to coast ", est maintenant une affaire entièrement gérée à partir du siège new yorkais de la ligue nationale de hockey, où les volontés des riches magnats américains ont beaucoup plus de poids que les conceptions canadiennes du hockey.*

The myths on which this country were founded have no unifying impact on national identity, and there is certainly no unanimity on what those founding legends might be. The conquest of North America by England is the founding myth preferred by a large number of Anglophone Canadians, but they do not share the same interpretation of the event as Quebecers and Aboriginal persons. Confederation was achieved by an assembly of first ministers, and the people did not vote on the Constitution at the time the Canada we know today was founded. As Kymlicka accurately writes,

After all, the 1867 BNA Act did not discuss the identities of Canadians; nor was it expected to. It was almost entirely a description of the relationship among various levels and institutions of government, with virtually no discussion of the identities and values " or even the rights " of Canadian citizens. (Kymlicka, 1998: 148)

The only Canadians who ever voted for Confederation were the people of Newfoundland; they decided in a referendum (by a majority of only 52%) to join Confederation. Canada's motto - a mari usque ad mare - simply expresses the country's geographic reality. The founding myths that have real value in terms of identity, if there are any, are not national, but regional. They relate to Canadian identity secondarily.

As a result of Canada's multiculturalism policy, representation of the various components of society in our heritage is sought and desired; cultural heritage must reflect the full range of ethnic cultures, heritage languages and cultural products that convey the various identities that are part of society.

The fact that it is impossible to refer to a unifying national identity is certainly one of the reasons why national identity plays such a small role in citizenship education. Sears, Clarke and Hughes point out that "The literature [on citizenship education] is clear that the creation of a widely shared conception of national identity has [in the past (prior to 1970)] been a persistent preoccupation of citizenship education in Canada" (Sears et al., 1998: 14). But the literature on citizenship education clearly shows that from the early 1970s on, the conclusion that has to be drawn is that "the construction of a national identity through public schools [has] never been successful " (Sears et al., 1997: 15). They report that Osborne (1996) came to the same conclusion and that since the 1980s, "there [has been] a substantial timidity to make any claims about national identity in school curricula" (Sears et al., 1997: 15). When the Anglo compliance model had to be abandoned because of the official bilingualism and multiculturalism policies, no model of national identity emerged to replace it.

In Canada, as Charles Taylor writes, "even history divides." Kymlicka gives good examples of what that means when he cites the first two major events that pointed up the division within Confederation:

In many multination countries, however, history is a source of division between national groups. The people and events that spark pride among members of the majority nation often generate a sense of betrayal among the national minority. English-speaking Canadians honour Sir John A. Macdonald for his role in building the country ; French Canadians revile him for ordering the execution of Riel. English-speaking Canadians take pride in their contributions to the two world wars ; French Canadians resent their treatment during the two conscription crises. And so on. (Kymlicka, 1998: 174)

The normal theory underlying the traditional teachings of history therefore cannot be taken for granted in the Canadian context. That theory is as follows:

Were all members of a society to acquire a shared vision of the historical tradition of the society to which they belong, they might come to feel more rooted in it. They might develop the sense that their membership in the broader society is not a purely arbitrary and contingent aspect of their identities, but rather, that they are joined together with their fellow citizens in carrying forward a tradition. (Weinstock, 1996: 22)

Of course, the patriotic teachings of history are the ones most often advocated as the key to the success of that program. Weinstock accurately depicts the objectives of this form of historical narration:

- *to provide people with a sense of origin, by highlighting a (real or fictitious) historical event which marks the genesis of the community and accounts for its uniqueness;*
- *to provide individuals the sense that there is a historical lineage which connects them with these events;*
- *to present historical events in a positive light, giving people the sense that their history is a source of an enabling sense of self-worth. (Weinstock, 1996: 22-23)*

This "teachings of history" orientation would create dissension in Canada, because the founding myths inevitably put the community's ethnic core first and leave minorities on the sidelines. The result is that national minorities are given to embrace historical narrations that highlight their distinct origins. For that reason, the patriotic teachings of history may not contribute a great deal to unity and stability in a society like Canada. They may do nothing more than deepen the divisions in society. In order for the teachings of history to help build a Canadian identity, people must first be able, as Kymlicka suggests in the last

chapter of Finding Our Way, to perceive history other than as an account of past actions of which we must all be proud for exactly the same reasons. Kymlicka comes down on the side of a teachings of history approach that is in line with a conception of Canadian identity that fully assumes the multinational reality of Canadian society.

Jeremy Webber argues that Canadians are similarly united by their participation in what he calls 'the Canadian conversation'. He argues that English, French, and Aboriginal people grow up listening to this conversation, and that it becomes a part of all of our identities. Thus John A. Macdonald and Louis Riel are both part of the Canadian identity, not because we all share pride in their actions, but because they helped to define the institutions within which we continue our conversation, and because they helped to shape the issues that we still need to confront. (Kymlicka, 1998: 176)

These interesting ideas give renewed meaning to the teachings of history in societies like Canada that are divided by national memberships or like the United States that are divided by a racial issue. For now, the teachings of history all too often do nothing more than skirt the controversy in order to avoid widening the rift. *Mais il n'y a pas que l'enseignement de l'histoire qui peut contribuer à soutenir la "Canadian conversation". Les institutions dans lesquelles se poursuit cette conversation sont en premier lieu les institutions politiques fédérales elles-mêmes et nombre d'autres forums d'affaires publiques dans le monde académique et celui des organisations civiles.*

We take from Sears, Clarke and Hughes a general observation that applies readily to the preceding discussion:

For many reasons Canada has never had a universally shared national identity. Factors that unify most countries are sometimes sources of division in Canada. Key historical events like the eighteenth century Battles of the Plains of Abraham where the British defeated the French to gain control over the colony which was to become Québec are often more a source of division than unity. (Sears, Clarke and Hughes, 1998: 25)

The authors go on to say that Canadians have and have always had multiple allegiances and different understandings of Canada and their relationship with Canada (Sears et al., 1998: 11). What this means is that there is real conflict between a national identity shared by all Canadians and the specific memberships that divide society, because specific memberships play a major role in relations among Canadians.

Analysis of the interplay between national identity and specific memberships, national minorities in particular, to which we are led by the logic of the conceptual framework, clearly shows that the foundation of unity within the community of Canadian citizens cannot lie in a national identity characterized by the elements that ensure unity in a typical nation state, that is, societal culture and heritage. *"Le fait de ne pas avoir une identité nationale qui épouse les contours de celle de l'État-nation typique ne signifie pas que le Canada n'a pas d'identité nationale. Comme l'a si clairement senti et expliqué Charles Taylor (1992) et après lui Kymlicka (1995), l'identité nationale canadienne reflète la "deep diversity" de la société canadienne. Toutes les composantes de la société peuvent y retrouver la part d'identité commune que partagent l'ensemble des Canadiens et la part d'identité particulière qui différencient les groupes d'appartenance. Margaret Atwood et Anne Hébert, par exemple, sont deux figures marquantes du patrimoine littéraire du Canada. Plusieurs Canadiens aiment et lisent ces deux auteurs. D'autres, plus nombreux sans doute, ne lisent qu'une des deux, selon le groupe linguistique auquel ils appartiennent. Les citoyens de chaque groupe peuvent trouver dans ce volet du patrimoine une figure dans laquelle ils trouvent une correspondance avec leur identité particulière. Pour qu'il en soit ainsi, l'identité nationale est forcément complexe, en ce sens qu'on y retrouve bon nombre de composantes identitaires pleines et substantives, qui composent les identités ethno-culturelles particulières. La part commune d'identité, dans un tel cas, n'est pas de même nature, en ce sens qu'elle reflète peu les identités ethno-culturelles. Elle est plutôt constituée de composantes qui transcendent les appartenances particulières et qui ont donc une portée universelle.*

Après avoir jusqu'ici mis en évidence le côté complexe de l'identité nationale canadienne, nous allons maintenant aborder les composantes communes de cette identité, telle qu'élaborées au cours des 25 dernières années, plus particulièrement dans l'entreprise de fonder l'identité canadienne par des éléments qui, dans notre cadre conceptuel, appartiennent à la composante du régime effectif de droits." The following part of this chapter explains the basic ideas underlying this venture.

2. National identity and equal rights

According to the conceptual framework that serves as our guide in this analysis, the dominant movement of the recent past and of today consists in endeavouring to base the unity of citizenship on a system of rights that overshadows the divisive aspects of national identity. The major component of citizenship becomes equal rights, which are thought of as the constitutional instrument which minimizes the differences reflected by national identity. That is the focus of this second part, where we show how the Charter of Rights and Freedoms is looked upon as the foundation of Canadian identity, a view clearly evident in the way the question of identity was asked in the context of the 1982 constitutional reforms. However, the Charter alone does not form the basis of Canadian identity, nor does citizenship hinge on the Charter. Social policies also have to be considered because of the importance welfare state programs have taken on in the Canadian context. The fourth part of the chapter examines the issue from that perspective. It is therefore the interplay among three components of the conceptual framework that now guides our analysis: national identity, effective rights and specific memberships.

2.1 Building citizenship through the Canadian Charter of Rights and Freedoms

The entrenchment of rights and freedoms in a constitution as part of a charter or declaration is a key step in the process of building citizenship. A constitutional document like the *Canadian Charter of Rights and Freedoms* does not simply acknowledge ethnocultural and religious diversity or pluralism; it also seeks to lay the foundation for citizenship.

The *Charter* can of course be conceived as a document that *acknowledges* cultural and religious pluralism, which must now be considered an inherent characteristic of modern societies. We will see later that the rights contained in the *Charter* establish the multicultural and multinational character of Canada (multinational through recognition of Aboriginal peoples alone). However, the *Charter* does more than adopt this *neutral* attitude; it also seeks to build a true Canadian nationalism based on constitutional patriotism. In that sense, the *Charter* is symbolic in its own right.

The idea behind the entrenchment of the *Canadian Charter of Rights and Freedoms* - a goal pursued by former prime minister Trudeau throughout his political career - was to build Canadian identity and Canadian citizenship around so-called universal values. That model constructs citizenship on a base of constitutional patriotism (Habermas, 1990). This notion of constitutional patriotism must serve to build post-national identity into citizenship:

[TRANSLATION] *Instead of building on elements referred to by Habermas as "pre-political", such as language, culture and history, this postconventional identity must be rooted in a political blueprint, affirming as the founder of common space the universal principles of human rights and the concept of the rule of law. (Leydet, 1992: 85)*

In fact, one feature of the *Canadian Charter of Rights and Freedoms* is that it was used as a tool to develop a Canadian political culture and even as a means of building a Canadian nation:

"[TRANSLATION] During the 1980-1982 constitutional round, the Charter of Rights and Freedoms was the key ingredient in a strategy aimed at cementing the Canadian nation" (Laforest, 1992: 177). This created a genuine "Charter patriotism," to borrow the expression used by Alan Cairns (Cairns, 1988a; 1988b; 1989; 1991; 1992a; 1992b; 1993).

Cairns wrote that the *Charter* introduced a new identity in the constitutional order. By lifting citizen status to the constitutional ranks, the *Charter* defines a new citizenship that alters the relationship between

government and governed: citizens are defined first and foremost as holders of rights. As a result of this constitutional recognition, citizens were urged to think of themselves as constitutional players - a role previously left entirely to governments. They have to do as governments do and defend their constitutional interests. Citizens have thus come to believe that their participation in the process of constitutional change is essential.

In this model of citizenship, which is more like the American model, "the dignity of the free individual resides in the fact that he has rights which he can make efficacious if necessary even against the process of collective decision-making of the society, against the majority will, or the prevailing consensus" (Taylor, 1986: 209). The system of rights also has a bearing on the way citizens participate, because citizens look more to the courts instead of using the traditional mechanism of political participation. According to this participation-based model, as opposed to the model based on individual rights, "his [the free individual's] freedom and efficacy reside in his ability to participate in the process of majority decision-making, in having a recognized voice in establishing the 'general will' " (Taylor, 1986: 209). Whereas the traditional model of participation makes it difficult to recognize minority interests, reliance on the courts is more effective because it also permits constitutional gains which can then be cited in opposition to legislative and political decisions.

Because it takes the constitutional route, that is, recognizing social and cultural memberships and identities in rights guaranteed by the *Canadian Charter of Rights and Freedoms*, citizenship building entails a change in citizens' participation in the public arena. This shift toward greater reliance on the courts is rightly perceived by Charles Taylor as a weakening or fragmentation of political society:

Fragmentation arises when people come to see themselves more and more atomistically, otherwise put, as less and less bound to their fellow citizens in common projects and allegiances. [. . .] This fragmentation comes about partly through a weakening of the bonds of sympathy, partly in a self-feeding way, through the failure of democratic initiative itself. Because the more fragmented a democratic electorate is in this sense, the more they transfer their political energies to promoting their partial groupings [. . .] and the less possible it is to mobilize democratic majorities around commonly understood programs and policies. (Taylor, 1992b: 140)

Taylor also criticizes the referral of political conflicts to the courts:

Judicial decisions are usually winner-take-all; either you win or you lose. In particular, judicial decisions about rights tend to be conceived as all-or-nothing matters. The very concept of a right seems to call for integral satisfaction, if it's a right at all; and if it's not, then nothing. [. . .] The penchant to settle things judicially, further polarized by rival special-interest campaigns, effectively cuts down the possibilities of compromise. (Taylor, 1991: 140).

However, is translating politics into the language of law as bad as Taylor claims? It must be made clear first of all that moving the political debate into the courts has come about largely as a result of citizens' disenchantment with politics. To the extent citizens feel their political participation would not help further their rights, they prefer to turn to the courts. Moreover, court decisions offer the prospect of moving cases ahead one at a time, in stages, driven by the situations laid before the courts, something the legislative process is less able to do because of the general policy statements it entails. For example, constitutional decisions have underscored the difficulty in recognizing in a legal text the rights of Aboriginal peoples - one need only think of the Charlottetown Accord - whereas the courts, led by the Supreme Court, define the ancestral rights of Aboriginal peoples in the course of handing down their rulings. Some have suggested that instead of looking for ways to show how using law and the courts may be inadequate and may constitute a loss of freedom, it might be better to come up with new institutional mechanisms that would give citizens and groups representing civil society the opportunity to take part in the decision-making process (Lenoble and Berten, 1992: 105). Some organizations and authors have floated the idea of creating an assembly through which Canadian citizens could debate constitutional issues (Laforest and Gibbins, 1998; Resnick). The Canada West Foundation held a constituent assembly in early 1998. Other initiatives, like Keith Spicer's Citizens' Forum in 1990, have tried to generate interest among citizens in the political life of the country. The citizenship debate is a good example of this because it has allowed

citizens, groups and governments to participate. Of course, the fact that it took place as part of the constitutional debate facilitated that democratic participation and deliberation.

2.2 Citizenship in the context of debates over constitutional reform of the federation

The most important aspect of Canada's national identity is therefore based on the system of rights as defined by the Constitution. That is one of the roles the federal government assigns to the Constitution: "the Constitution must be a framework that reflects our values, our aspirations, and the best of what Canadians really are" (Government of Canada, 1991: 2). Kymlicka states that most English Canadians now agree that the Constitution reflects and promotes a pan-Canadian identity based on equal citizenship rights (Kymlicka, 1998: 149).

Jane Jenson offers the following summary of contemporary developments in the citizenship debate:

The kinds of rights claims that citizens may legitimately make, or are encouraged to make, vary across time as well as regimes. In 1963 the mandate of the Royal Commission on Bilingualism and Biculturalism (Bi and Bi) was "to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races." By the 1980s citizenship claims had become individualised. Intervening between the two moments was the political project which Pierre Trudeau brought to fruition in Ottawa after 1968. It was driven by the goal of providing all Canadian citizens with the wherewithal to abandon what he felt was their anachronistic communal and nationalistic identities, whether as Aboriginal peoples or Quebecers. (Jenson, 1998: 240)

While this statement should be clarified with respect to Aboriginal rights - because as we saw earlier, the *Constitution Act, 1982* recognizes their ancestral rights and thus Canada as having a multinational dimension - the question put forward by Jenson forces us to look at how citizenship systems have changed over the past thirty years. For that reason, it is useful to briefly retrace the thread of contemporary constitutional debates and view it from a Quebec perspective. This approach is driven by the fact that in Canada's constitutional history, Canadian identity was built on French-Canadian and Quebec identity (Dufour, 1989).

The demand for constitutional change came out of post-Duplessis Quebec. Neoliberalist and neonationalist forces first emerged in the 1950s,[18] personified by Pierre E. Trudeau and André Laurendeau. It is for that reason that recent constitutional history, focused on the issue of citizenship, must be understood within the initiatives taken by the Prime Minister of Canada, Pierre E. Trudeau, in response to the Royal Commission on Bilingualism and Biculturalism, co-chaired by André Laurendeau.

In its preliminary report, the Commission suggested that the constitutional crisis was rooted in the principle of equality between the two founding peoples (Royal Commission on Bilingualism and Biculturalism, 1965). The constitutional question was then immediately formulated in terms of equality and constitutional recognition. The difficulty would subsequently be finding a way to reconcile the different equalities (national communities, the provinces, Aboriginal peoples, individuals, members of cultural communities); the issue came full circle in recent attempts to bring about constitutional change (Meech and Charlottetown).

Rejecting the terms in which the Royal Commission stated the constitutional problem, the federal government tried to develop Canadian identity and citizenship on a different basis: individual equality. This led to the adoption of bilingualism and multiculturalism policies and the abandonment of community and binational thinking: the biculturalism component of the Laurendeau-Dunton Commission appears to have been set aside. Jane Jenson summarizes the objective as follows:

The 1969 Official Languages Act and federal language programs subsequently developed are a clear expression of this drive toward individualization and to the construction of a bilingual Canada reaching from sea to sea. Within this paradigm of individual rights, French-speaking Canadians were "different" only because they spoke French. This difference was recognised and protected in law, in order to achieve

[18] For a discussion of these two trends, see (Linteau, Durocher, Robert and Ricard, 1989: chapter 25).

equality. The logic of official bilingualism was that the federal government would no longer treat French-speaking Canadians as second-class citizens, forced to receive services in another language. It would guarantee to Francophones the right to services across the country, and their representation in the federal state would increase. Henceforth, within this version of classic liberalism, they had no further claim to distinction; they would be treated just as all other Canadians. (Jenson, 1998: 219-220)

Moreover, the liberal vision of Canada was entrenched through the *Canadian Charter of Rights and Freedoms*. According to Pierre E. Trudeau, recognition of individual rather than collective rights, in particular the right to equality,[19] is the cornerstone of the *Charter*. He wrote:

Except in the two cases I mentioned in the next-to-last paragraph [aboriginal rights and multicultural heritage], the Charter always seeks to define rights exclusively as belonging to a person rather than a collectivity: "everyone" (Sections 2, 7, 8, 9, 10, 12, 13), "every citizen of Canada" (Sections 3, 6), "any person charged with an offence" (Section 11), "any party or witness" (Section 14), "every individual" (Section 15), "anyone" (Section 24). It should be noted that this preference holds good even where the official languages are concerned; individuals, not linguistic groups, are ensured of their right to use either language: "everyone" (Section 17), "any person" (Section 19), "any member of the public" (Section 20), "citizens of Canada" (Section 23). (Trudeau, 1990: 388)

The former prime minister explains the rationale for that choice as follows: "If we had tried to identify each of the minorities in Canada in order to protect all the characteristics that made them different, not only would we have been faced with an impossible task, but we would shortly have been presiding over the balkanization of Canada" (Trudeau, 1990: 366). That is why the former prime minister's political blueprint consisted in rethinking citizenship and abandoning the idea of duality as the fundamental principle underlying the country: "[TRANSLATION] Cultural duality would be officially replaced with two less threatening but more superficial elements: bilingualism and multiculturalism" (Dufour, 1989: 76). In that sense, these policies of bilingualism and multiculturalism, like the individualism of the *Charter*, were developed in part to offset the affirmation of the Quebec nation (Dufour, 1989: 76-77).

It is therefore not surprising that in recent attempts to effect constitutional change, these different conceptions of citizenship could not be reconciled. In the Meech Lake Accord, advocates of the supremacy of the *Charter of Rights and Freedoms* and those who favoured the notion of distinct society "[TRANSLATION] based their positions on different conceptions of the nature of justice in a democratic, liberal, federal society" (Laforest, 1991: 69). How could the liberalism of the *Charter* embrace the nationalism underlying the notion of distinct society?

In the Charlottetown Accord, the situation was different because the primary aim was not to recognize Quebec's distinctness. Specifically to avoid the criticism levelled at the Meech Lake Accord as the "Quebec round," the Charlottetown Accord acknowledged different conceptions of citizenship and paid little mind to reconciling or resolving them (Noël, 1994). The agreement recognized a hodgepodge of components of citizenship specific to the macro-concepts identified in the conceptual framework. For example, with regard to the inherent right of Aboriginal peoples to self-government (which involves the macro-concepts of national identity, specific membership and the system of rights), the Charlottetown Accord contained nothing more than a commitment from a number of governments to negotiate the exercise of that right; if, at the end of a five-year period, the negotiations did not result in agreement, the scope of the inherent right could have been determined by the courts (which involves the macro-concepts of the system of rights and participation). How could one accept on behalf of citizens called upon to vote in a referendum that a third order of government, an ethnic-based government whose undefined bodies would not necessarily be elected and on which governments had been unable to come to terms in their negotiations with Aboriginal peoples, could ultimately be made to happen through judicial means? (Tremblay, 1995: 163) Can the definition of such a right, a right that would create a new system of government based on identity, be left to the courts if governments fail? Does the building of Canadian

[19] It should be made clear, however, that in its interpretation, the Supreme Court did not hesitate when it had the opportunity to rule on section 15 of the *Charter* to promote a "community-based" conception of the right to equality by limiting protection from discrimination to the members of specific groups - discrete and insular minorities: *Andrews* v. *Law Society of British Columbia*, [1989] 1S.C.R. 143.

citizenship not demand a mechanism whereby citizens must be politically involved, if only through their representatives, when a new political system is being created?

The Canada Clause in the Accord, which sought to amend the *Constitution Act, 1867* by adding the following interpretation clause, further confused the issue:

2. (1) The Constitution of Canada, including the Canadian Charter of Rights and Freedoms, shall be interpreted in a manner consistent with the following fundamental characteristics:

a) Canada is a democracy committed to a parliamentary and federal system of government and to the rule of law;
b) the Aboriginal peoples of Canada, being the first peoples to govern this land, have the right to promote their languages, cultures and traditions and to ensure the integrity of their societies, and their governments constitute one of three orders of government in Canada;
c) Quebec constitutes within Canada a distinct society, which includes a French-speaking majority, a unique culture and a civil law tradition;
d) Canadians and their governments are committed to the vitality and development of official language minority communities throughout Canada;
e) Canadians are committed to racial and ethnic equality in a society that includes citizens from many lands who have contributed, and continue to contribute, to the building of a strong Canada that reflects its cultural and racial diversity;
f) Canadians are committed to a respect for individual and collective human rights and freedoms of all people;
g) Canadians are committed to the equality of female and male persons; and
h) Canadians confirm the principle of the equality of the provinces at the same time as recognizing their diverse characteristics.

The proposed model of citizenship makes no distinction among the various components of Canadian citizenship; it mixes, for example, cultural diversity and national minorities and relates them in the same way to national identity and the system of rights. Because of the potential for contradiction among the characteristics set out in the model, the Charlottetown Accord took the tack of satisfying no one, and was rejected in the referendum. A theory of citizenship should draw on the lessons of that experience. What can be done to ensure that what has until now been perceived as a conflict that defies resolution, the recognition of many and varied equalities, is in fact the answer.? Only by integrating the different components of citizenship in Canada can a cohesive political and constitutional theory bring to citizenship the normalcy it is so lacking today.

The biggest challenge such a theory of citizenship will face in Canada consists specifically in reconciling postnational identity based on universal principles or rights and national identity (mainly the identities of the national minorities that make up the multinational character of Canada referred to by Will Kymlicka (Kymlicka, 1998). In Canada, everything seems to have unfolded as if the desire were to acknowledge this postnational identity without first endeavouring to resolve the underlying problem associated with national identity. To put it another way, constitutional recognition of national identity as a component of citizenship remains a problem whereas the postnational phase of political identity is already recognized in the Constitution.

Recognizing postnational memberships does not in itself create problems. More problematic is the fact that the national element of identity has not played a role in the development of postnational culture. How can postnational culture be attained when the basic national dispute is still unresolved, especially considering that the development of postnational culture, which cannot be deduced from the national corpus, must instead be understood as a shift toward the universal, a shift that by definition must originate with the specific, that is, national identity.

Having focused on the constitutional aspects of citizenship, we now comment briefly, before moving on to the next part, on the relationship that exists or ought to exist between that conception of citizenship and citizenship in a formal or legal sense, that is, the legal connection between the state and the people

that stems from the fact that the people are citizens of a country or nationality.[20] The Supreme Court provides some interesting material with which to briefly expand our discussion of this issue.

In Andrews,[21] the Court was asked to rule on the constitutionality of a provision requiring Canadian citizenship in order to be admitted to a provincial bar. Because citizenship is not a ground of discrimination specifically mentioned in subsection 15 (1) of the *Charter*, the Court had to first decide whether citizenship could be construed as a similar ground of discrimination.[22] If citizenship is to be considered such a ground, it must, according to the Court, be a personal characteristic and a characteristic of a disadvantaged social group. The Court expressed the view that citizenship was a similar ground: "Relative to citizens, non-citizens are a group lacking in political power and as such vulnerable to having their interests overlooked and their rights to equal concern and respect violated."[23] The Supreme Court therefore ruled that the provincial statute making citizenship a requirement for admission to the bar was discriminatory within the meaning of section 15 of the *Charter*.

The Court then had to determine, using the test it developed in Oakes,[24] whether such violation of the right guaranteed by section 15 of the *Charter* could be deemed an acceptable limitation, that is, a limitation that would be "reasonable and demonstrably justified in a free and democratic society." The Court therefore had to decide whether the legislator could allow such differences in treatment on the basis of citizenship. It had to examine the legal link between citizenship, or the requirement of citizenship, and knowledge of Canadian institutions and customs. While familiarity with Canadian institutions and customs may be desirable, a majority of the Court held the view that "the requirement of citizenship is not carefully tailored to achieve the objective that lawyers be familiar with Canadian institutions and customs and may not even be rationally connected to it ... such a requirement affords no assurance that citizens who want to become lawyers are sufficiently familiar with Canadian institutions."[25] To meet this objective, an alternative to excluding permanent residents might be to have candidates sit an examination that assesses their skills and knowledge.

According to the Supreme Court, then, there is no logical connection between the requirement that lawyers be citizens and the objective of ensuring that they are familiar with Canadian institutions and customs, are committed to Canadian society and display an attachment to Canada. While it may be desirable for citizens and permanent residents to be treated equally, that aim must not imply that being a citizen matters so little in citizenship building. As a judge of the British Columbia Court of Appeal, Justice McLachlin wrote in the same case:

In short, citizenship offers no assurance that a person is conscious of the fundamental traditions and rights of our society. The requirement of citizenship is not an effective means of ensuring that the persons admitted to the bar are familiar with this country's institutions and customs.[26]

But if citizens do not have to develop an attachment to their country or acquire knowledge of its institutions and customs, it is hard to imagine how citizenship could be cohesive and meaningful. Would it not be better if formal citizenship had real meaning, if it served as a universal principle? That would require citizenship to have some content, like the principles of the rule of law and rights and freedoms. Formal, legal citizenship should at the very least require a knowledge of Canadian institutions and customs and awareness of traditions and basic rights. That, in the minds of many, is probably what allegiance should mean, and that is why it is interesting to highlight exactly what it means where civic

20 The account of this relationship between sociopolitical citizenship and formal or legal citizenship is taken from a presentation by José Woehrling to the International Institute of Legal Sociology in Onati on May 4, 1998, entitled "Les droits et libertés dans la construction sociojuridique de la citoyenneté au Québec et au Canada" [rights and freedoms in the sociolegal construction of citizenship in Quebec and Canada].

21 *Andrews* v. *Law Society of British Columbia*, [1989] 1 S.C.R. 143.

22 Subsection 15(1) reads: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

23 *Andrews* v. *Law Society of British Columbia*, [1989] 1S.C.R. 143, p. 152 (Wilson J.).

24 *R.* v. *Oakes*, [1986] 1 S.C.R. 103.

25 *Id.*, p. 156 (Wilson J.). [the reference should be to Andrews, not Oakes - Tr.]

26 (1986) 27 D.L.R. (4th) 600, 612.

culture ultimately obscures the other components of national identity.

3. Effective rights and diversity of membership

Citizenship can be understood on the basis of the way it has been recorded in the system of rights. Viewed in that light, citizenship has taken two forms: caught up in the movement toward legal constitutionalization, citizenship of course has led to the entrenchment of constitutional rights, with the Canadian Charter of Rights and Freedoms; on the other hand, conceived as a system of rights, citizenship has not taken just the constitutional path, because it is also reflected in multiculturalism policy and in the form of social and economic rights, which, although not in the Charter, are still important in defining citizenship.

3.1 The Canadian Charter of Rights and Freedoms and diversity of membership

The Canadian Charter of Rights and Freedoms affords Canadian citizens a number of guarantees. It confers certain rights on Canadian citizens: the right to vote and be a candidate in federal and provincial elections (section 3); the right to enter, remain in or leave Canada (section 6(1)); the right to be educated in the language of the English or French linguistic minority (section 23); the right to move to and take up residence and pursue the gaining of a livelihood in any province (section 6(2): permanent residents have the same right). The other rights set out in the Charter are recognized as applying to "every human being who is physically present in Canada and by virtue of such presence amenable to Canadian law."[27]

Under a constitutional charter system, Canadian courts have had to adjust to the growing complexity of management of diversity. The main instrument developed by the courts is without question the requirement of reasonable accommodation, which is based on the right to equality and freedom of religion. Reasonable accommodation, which requires that standards, practices or policies be adapted to take into account the specific needs of certain cultural or religious groups, stems from provisions in the *Canadian Charter of Rights and Freedoms* and in legislation on rights and freedoms that afford protection against discrimination. In O'Malley, the Supreme Court of Canada gave the following rationale for this requirement of reasonable accommodation:

The [Ontario Human Rights] Code accords the right to be free from discrimination in employment. While no right can be regarded as absolute, a natural corollary to the recognition of a right must be the social acceptance of a general duty to respect and to act within reason to protect it. [. . .] In this case, consistent with the provisions and intent of the Ontario Human Rights Code, the employee's right requires reasonable steps towards an accommodation by the employer.[28]

Under the combined effect of the Charter and human rights and freedoms legislation, a wide range of areas are covered by the requirement of reasonable accommodation: legislative and regulatory activity, labour relations, the delivery of goods and services to the public, and housing. Under the *Charter*, which deals more specifically with government activity, management of diversity using reasonable accommodation can be based on either section 2(a), which guarantees freedom of religion, or section 15, which protects equality rights. In Adler, the Supreme Court suggested that a distinction should be made in examining those two sections:

While s. 2(a) of the Charter is primarily concerned with the necessary limits to be placed on the state in its potentially coercive interference with the original, objectively perceived religious choice that individuals make, s. 15 ensures that consequences in behaviour and belief, which flow from this initial choice and are not perceived by the rights claimant as optional, not be impacted upon by state action in such a way as to attack the inherent dignity and consideration which are due all human persons. The protections afforded in s. 15 may thus be of greater scope than those in s. 2(a), as our concern moves from the coercive aspect of the state action to its impact on the individuals' and groups' sense of dignity and worth in the socio-economic context of the day.

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27 *Singh* v. *Minister of Employment and Immigration*, [1985] 1 S.C.R. 177, 202 (Wilson J.).

28 *Ontario Human Rights Commission v. Simpsons Sears-Limited et al.*, [1985] 2 S.C.R. 536, 554-555 (McIntyre J.).

In accordance with its inherent focus on human dignity and worth, s. 15 may require not only that the state program be formally open to all members of society, but also that it include extra steps, or accommodation, to ensure equal access, in real terms, by all members of society to the benefit in question.[29]

The freedom of religion provided for in section 2(a) of the Charter permits the free practice of religion and requires the state to be neutral with respect to religion. While the requirement of reasonable accommodation seems to be a prerequisite for the right to free practice, it is much more difficult to reconcile with the requirement of neutrality. The state cannot meet those two requirements at the same time: changing standards or policies to accommodate specific religious practices or beliefs tends to foster the practice of one religion, which prevents the state from remaining neutral. It appears that this problem is still unresolved today, other than to point out that these two requirements are mutually restrictive.

Even more important is the reconciliation of two components of freedom of religion. The first, as we said earlier, the right to free practice, seems to include as a corollary a requirement of reasonable accommodation, while the second requires that the state be neutral. Is it possible that these reasonable accommodations, which are necessary to the free practice of religion, could stand in the way of the state's neutrality? In other words, when it promotes freedom of religion by adapting standards and policies, does the state continue to meet its obligation of neutrality? A comparative study of two liberal democracies also concerned about freedom of religion, the United States and France, seems relevant here. In both countries, freedom of religion appears to take precedence over the principle of state neutrality, even though the principle is manifested in far more rigorous ways there than in Canada. Canada has no equivalent of the American principle of non-establishment and the French principle of secularism. On the contrary, Canada's constitutional history clearly shows that the relationship between church and state has not been as cut and dried as in the United States and France. One need only think of the denominational rights in section 93 of the *Constitution Act, 1867*.[30] However, while it does not stand in opposition to the requirement of reasonable accommodation within the confines of freedom of religion, state neutrality does makes it possible to limit the right to free practice either by examining the reasonableness of the accommodation - accommodation must not constitute an excessive constraint - or within the framework of the limitation clause in section 1 of the *Charter*.

Religious diversity can thus be taken into account in the Constitution under freedom of religion (section 2(a) of the *Charter*) or under protection against discrimination on the basis of religion (section 15 of the *Charter*). Section 15 affords the same protection against discrimination on the grounds of personal characteristics like race, national or ethnic origin, and colour. In that sense, the guarantee afforded by section 15 seems to extend beyond religious diversity. However, until now, religious diversity has been the only real form recognition of diversity has taken in the case law on rights and freedoms. The courts deal in general terms with cultural (or ethnocultural) and religious diversity but have only ruled on the religious aspects of that diversity.

The *Charter* also recognizes the multicultural and multinational dimensions of Canada. Section 27 includes an interpretation clause which states that the Charter "shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." The Supreme Court has invoked section 27 of the *Charter* in many decisions in order to clarify the meaning of the rights and freedoms guaranteed by the Charter[31] or the limits of those rights and freedoms under section 1.[32] "To accept that Parliament retains the right to compel universal observance of the day of rest preferred by one religion is not consistent with the preservation and enhancement of the multicultural heritage of Canadians."[33] "S. 27 and the commitment to a multicultural vision of our nation bear notice in

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29 *Adler v. Ontario*, [1996] 3 S.C.R. 609, 658 (L'Heureux-Dubé J.).

30 *Constitution Act, 1867*, 30 &31 Vict., U.K., c. 3.

31 See, for example, *R. v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, 337-338 (Dickson J.); *R. v. Edwards Books and Arts Ltd.*, [1986] 2 S.C.R. 713, 758 (Dickson J.); *Andrews v. Law Society of British Columbia*, [1989] 1 S.C.R. 143, 171 (McIntyre J.).

32 See, for example, *R.* v. *Edwards Books and Arts Ltd.*, *id.*, 804 (Laforest J.), 809 Wilson J.).

33 *R.* v. *Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, p. 337-338 (Dickson J.).

emphasizing the acute importance of the objective of eradicating hate propaganda from society."[34] "In so far as a multicultural heritage is necessarily a multilingual one, it follows that a multicultural society can only be preserved and fostered if those who speak languages other than English and French are given real and substantive access to the criminal justice system."[35] In Zundel, the Court wrote the following on the subject of section 27:

The section provides constitutional reinforcement of Canada's long standing policy of recognizing multiculturalism. It recognizes that all ethnic groups are entitled to recognition and to equal protection. It supports the protection of the collective rights, the cultural integrity and the dignity of Canada's ethnic groups. In doing so it enhances the dignity and sense of self worth of every individual member of those groups and thereby enhances society as a whole.

Section 27 of the Charter is not merely the reflection of a fleetingly popular concept. Rather it is a magnificent recognition of the history of Canada and of an essential precept for the achievement of those elusive goals of justice and true equality. People must be able to take pride in their roots, their religion and their culture. It is only then that people of every race, colour, religion and nationality can feel secure in the knowledge that they are truly equal to all other Canadians. Thus secure in the recognition of their innate dignity, Canadians of every ethnic background can take pride in their original culture and a still greater pride in being Canadian. Section 27 strives to ensure that in this land there will be tolerance for all based on a realization of the need to respect the dignity of all.[36]

Canada's multicultural character is also recognized in section 25 of the Charter, which states:

The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

The *Charter* is set out in sections 1 to 34 of the *Constitution Act, 1982*, and section 35 of that Act states, "The existing ancestral and treaty rights of the aboriginal peoples of Canada are recognized and confirmed."

Through the 1990s, the Supreme Court has been called upon to define the ancestral rights of Aboriginal peoples.[37] The Aboriginal issue clearly shows the extent to which recognition of constitutional rights is only a first step, one that is necessary but not as determining as one might think, interpretation by the courts being so very important. The importance of the rights entrenched in the Constitution ultimately depends on the meaning ascribed to those rights by the Supreme Court. In Aboriginal as in other cases, the Supreme Court has set principles only by depriving them of effects, at least in the short term.[38] Still, the symbolic aspect, which remains linked to recognition, must not be downplayed given its active role in building citizenship (see next section); this is especially so considering that in the longer term, the courts may interpret the subject constitutional provisions more broadly, as context plays a determining role in

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34 *R.* v. *Keegstra*, [1990] 3 S.C.R. 697.

35 *R.* v. *Tran*, [1994] 2 S.C.R. 951, 976-977 (Lamer J.).

36 *R. v. Zundel*, [1992] 2 S.C.R. 731, 817-818 (Cory and Iacobucci JJ. dissenting).

37 Pertinent rulings include: *R. v. Sioui*, [1990] 1 S.C.R. 1025; *R. v. Sparrow*, [1990] 1 S.C.R. 1075; *Ontario (A.G.) v. Bear Island Foundation*, [1991] 21 S.C.R. 570; *R. v. Pamajewon*, [1996] 2 S.C.R. 821; *R. v. Van der Peet*, [1996] 2 S.C.R. 507; *R. v. N.T.C. Smokehouse Ltd.*, [1996] 2 S.C.R. 672; *R. v. Gladstone*, [1996] 2 S.C.R. 723; *R.* v. *Adams*, [1996] 3 S.C.R. 101; *R. v. Côté*, [1996] 3 S.C.R. 139; *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010.

38 Andrée Lajoie, "Le double rôle indissociable de la Cour suprême," *Le Devoir*, September 10, 1998, p. A7. "[TRANSLATION] It has advanced the cause of Aboriginal peoples, particularly in Delgamuukw, by accepting oral evidence of Aboriginal title. However, by the same stroke, it has limited economic uses of the subject lands to those that are not incompatible with their traditional use, which forces the Aboriginal peoples concerned to give the lands back to the Canadian government before they can begin to develop them."

that regard.[39]

3.2 Multiculturalism policy

In addition to the Charter of Rights and Freedoms, the relationship between ethnocultural memberships and national identity is tied to a body of legislative provisions and measures consolidated as Canada's multiculturalism policy. Like Kymlicka (1998), we believe that this aspect of diversity has to be approached on the basis of the diversity resulting from national identity references. However, it is the interplay between these two aspects of diversity that gave rise to the multiculturalism policy.

[TRANSLATION] *The unresolved conflict between the two founding peoples forms the basis for, if not the emergence, at least the reinforcement of a pluralist ideology which neither Canada nor Quebec can ever escape. The adoption of a multiculturalism policy entails not only recognition of cultural pluralism as a reality, but also as a standard. Cultural pluralism within a bilingual framework now constitutes the essence of Canadian society and identity. The establishment of cultural diversity as a desirable objective remained silent on the matter of British and French colonialism. It obscured the existence of the First Nations, denied the national status of Quebeckers, separated language and culture, kept quiet the political and economic inequalities between ethnonational communities and the sexes (Moodley, 1983 : 320-321) and finally expressed concern about social issues in cultural terms. In short, the establishment of cultural diversity masked the power relationship that built the Canadian nation. (Juteau, 1996: 194)*

The official multiculturalism policy, adopted in 1971, *témoigne de l'engagement de l'État canadien à protéger et favoriser la diversité culturelle et ethnique de la société canadienne*[40]. *La Loi du multiculturalisme canadien adoptée ensuite en 1988 vise à concilier les particularités culturelles des citoyens canadiens avec leur égalité en reconnaissant le droit à chacun de s'identifier à l'héritage culturel de son choix tout en étant en mesure de participer pleinement et entièrement à la vie sociale, politique et économique de la société canadienne. Dans cette logique, les particularités ethniques ou culturelles des individus ne doivent pas constituer des obstacles à l'exercice de leur citoyenneté et à la jouissance égale par tous les citoyens de leurs droits et libertés.*

The *Canadian Multiculturalism Act* introduced therefore a more precise definition of the multiculturalism policy by underscoring the fact that multiculturalism is a fundamental characteristic of Canadian identity and heritage; that multiculturalism is conveyed by the freedom of all Canadians to maintain, develop and share their cultural heritage; and that multiculturalism seeks to promote the participation of all individuals and communities in the process of building the nation and eliminating all obstacles to the expression of their specific identity and their contribution to their political community. The Act also recognizes the principle of equal opportunity and access to services for all Canadian citizens. *Le discours gouvernemental devient plus clairement axé sur la citoyenneté et la construction de la nation canadienne. En effet, tel que le souligne McAndrew,*

One gradually came to understand that Multiculturalism did not mainly aim at fostering the maintenance and survival of the cultures themselves, but rather at developing a sense of attachment among groups who might feel excluded from the host society. (...) Even if the policy did employ a short term strategy of validating differences, over the long run, it would appear to contribute to national unity rather than to division (Burnet, 1984 ; Juteau, 1990) (McAndrew, 1996 : 269).

"Au cœur de ses préoccupations, on retrouve désormais la participation, la gestion du racisme et l'adaptation des institutions" (Fleras et Elliot, 1992). With the creation of the Canadian Race Relations Foundation in 1986, the government cast a spotlight on the fight against racism.

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39 Regarding the effect of context on the interpretation of rights and freedoms, see Lajoie, 1997.

40 *"Il est à noter que la politique du multiculturalisme, contrairement à la politique québécoise en matière d'intégration et d'immigration, ne peut être considérée comme une politique typique d'intégration puisqu'elle s'adresse à tous les citoyens. canadiens."*

In 1997, the renewed multiculturalism program was announced; the aim of the program is now to instil a sense of belonging and attachment to Canada in all Canadians, to foster the civic participation of Canadians and to build a fair and equitable society. A number of strategies have been devised to meet those objectives:

- *Assist in developing strategies that facilitate the full and active participation of ethnical, racial, religious and cultural communities in Canadian society;*
- *Help communities mobilize in order to resolve and prevent conflict based on ethnic origin, race, religion or culture and to combat acts of hate;*
- *Increase the ability of public institutions to adapt to ethnic, racial, religious and cultural diversity by helping identify and eliminate obstacles to equitable access and by supporting the involvement of the various communities in decision making;*
- *Encourage and assist federal departments and agencies in developing inclusive policies, practices and programs that enable them to meet their obligations under the Canadian Multiculturalism Act;*
- *Increase knowledge and understanding of multiculturalism, racism and cultural diversity in Canada and contribute to enlightened dialogue on these topics.*

The fact that ethnocultural identities are officially recognized *ne semble pas avoir contribué à "ghettoiser" les groupes et à maintenir et reproduire les inégalités au sein de la société canadienne* : "In hindsight, one can also see that multiculturalism served as a mobilizing ideology for a heightened participation in public institutions (Abu-Laban et Stasiulis, 1992)" (Juteau, McAndrew et Pietrantonio, 1999).

In a great many cases, as in the United States, the reference to a distinct identity is symbolic. Hyphenated Canadians, like hyphenated Americans, are not asking for identity recognition that cuts them off from Canadian citizenship and even full participation in the national identity. Given that Canada's national identity is, like its American counterpart, defined as inclusive, it does not give rise to conflict with specific identifies. Even Canada's motto remains very careful in this respect, because it is essentially territorial and does not reflect any specific trait that would be at odds with the diversity of ethnocultural identities.

The measures in question are discussed and managed like a policy, in contrast to the United States, where multiculturalist measures, which are similar on the whole, are adopted sporadically by state or municipal governments under pressure from multiculturalist activists supported in some cases by court rulings. As a policy, the Canadian measures apply in clearly defined and well documented cases. However, Kymlicka rightly emphasizes the fact that the multiculturalism policy is not the only or even the main policy that contributes to the integration of immigrants.

4. The debate over social and economic policies and its impact on citizenship

In the Canadian context, citizenship has of course been recognized in the Constitution. In that sense, the *Canadian Charter of Rights and Freedoms* plays a predominant role, as we just saw, because it furthers the objective of building a Canadian nation. However, "citizenship regimes are about more than the recognition of civil and political rights. Since 1945 they have also included social and economic rights, usually institutionalised in a welfare state" (Jenson, 1998 : 243). In this fourth part, we examine the non-constitutional path taken by the Canadian political and legal system in governing the federation. We have to look to social and economic policy, which does not mean, however, that this aspect has been ignored in the constitutional arena: not only are these issues the focus of constitutional talks, but some are also entrenched in the Canadian constitution, as witnessed by section 36 of the *Constitution Act, 1982.*[41] Our

[41] This section recognizes the constituent principles of the equalization system. It reads: "36(1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to:(a) promoting equal opportunities for the well-being of Canadians;(b) furthering economic development to reduce disparity in opportunities; and (c) providing essential public services of reasonable quality to all Canadians. (2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels

purpose here is not to trace the history of social and economic rights in Canada. Those rights are set out in many statutes: federally in the *Canadian Human Rights Act*[42] and other Acts, and provincially, in statutes such as Quebec's *Charter of Human Rights and Freedoms*.[43] At most we hope to evoke the debate over social and economic affairs and their impact on citizenship.

The importance of this non-constitutional approach has become more evident since the failure of the Charlottetown Accord and, especially, the election of the Liberal Party of Canada. The Chrétien government dismisses the constitutional reform route and is trying to move the Canadian federation ahead through administrative and legislative means. It is interesting to look at the debate over the Canadian social union in that context.

Let us first turn our attention to the major steps in the evolution of the role of the Government of Canada in social and economic policy. Political scientist Alain Noël offers the following summary:

[TRANSLATION] *After a long period in which government intervention was virtually limited to the establishment of infrastructures, the preservation of law and order and the regulation of trade, the labour market and social life, changes started to be made in the 1920s and 1930s. Allowances for needy mothers and old age pensions were introduced. Needy mothers allowances, adopted by the provinces at different times between World War I and World War II, were the first ongoing financial assistance programs aimed at a class of poor persons. Old age pensions, introduced in 1927 by a federal statute and applied by all the provinces between 1927 and 1936, were the first needs-based program with no excessive means testing that was designed for the entire population. The program opened the door to the idea of a general right to social protection. The big changes did not come until later, however, and occurred over two time frames.*

Between 1940 and 1960, the Canadian government recognized its responsibilities in managing the economy as a whole, created a legal and institutional framework to facilitate union accreditation and collective bargaining, and introduced the unemployment insurance plan and family allowances, two measures that are still advancing the idea of a universal or near-universal right to income support. Between 1960 and the mid 1970s, the welfare state, as we know it, took shape. Social assistance programs, pensions, family allowances and unemployment insurance were overhauled and expanded; health insurance was introduced; and the government started to become involved in all sectors, from education and social housing to social services and regional development. Government spending increased fairly quickly and by a large enough margin to be considered qualitatively different. The result was a fragmented welfare state whose responsibilities were more or less logically shared between the federal government and the provinces. Limited and incomplete compared with its counterpart in other countries, the welfare state none the less offered unprecedented social protection and quickly gained tremendous political legitimacy.[44]

Noël adds the following, a statement very relevant to our own discussion:

[TRANSLATION] The Canadian welfare state institutionalizes values of citizenship and justice separate from market logic, values that end up playing a central role in the creation of Canadian identity. The importance of these institutional elements must not be underestimated.

The dividing line between the left and the right regarding the welfare state seems increasingly difficult to draw. Whereas the issue originally consisted, once civic rights and basic policies were recognized, in developing economic policies and social programs, the debate is over in the minds of many: owing to the

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of taxation.

42 S.C. 1976-77, c. 33; R.S.C. 1985, c. H-6.

43 S.Q. 1975, c. 6; R.S.Q., c. C-12.

44 (Noël, 1996 : 7-8) (the references and quotations are omitted where the text is reproduced). Despite the neoliberalism of the 1980s and 1990s, "[TRANSLATION] there has been no radical challenge of the welfare state in Canada, not in practice and not even in political discourse. During their time in power (1984 to 1993), Brian Mulroney's Conservatives did not dare attack the country's social programs head on, and it was not until recently that some provinces, Alberta and Ontario among them, took a more radical approach." (p. 10).

difficult context, constraints related to unemployment, debt load, etc., the answers may seem to be more and more alike. "[TRANSLATION] But in fact," writes Alain Noël, "because there is less and less leeway, the biggest differences stand out more.":

[TRANSLATION] *Interest rates and government spending were never the real issue. No one, Gosta Esping-Andersen accurately observed, ever fought to increase government spending. Rather, the aim was to give tangible form to a number of values, a vision of society and citizenship. Establishing a universal health insurance plan, for example, constituted recognition of the right of every citizen to health care. Similarly, mothers allowances and the creation of day care centres were tied to the efforts of women to gain access to the labour market.*

Every innovation, every social program, had a democratic element, the affirmation of citizenship, equality or the right to full participation in economic, political and social life. Every time, society as a whole was changed forever. Values and attitudes, the interpretation of life in society, were transformed with every change, in many cases permanently. [. . .] Universal health care seems as inviolable in Canada today as it does beyond reach in the United States. Moreover, the experience of the Quiet Revolution made Quebeckers a people more open to government intervention, the redistribution of wealth and equality than other populations in North America. Issues related to citizenship and democracy are the issues which, over and above matters of budget and spending, continue to divide the right and the left in the West. The right is wary of the state, equality and public participation; the left distrusts the market, a hands-off approach and individual remedies. (Noël, 1996: 14-15)

The issue of citizenship is thus central to the debate over social and economic policies because that debate brings forward different conceptions of the role of government. Despite the economic, budgetary or financial elements, the debate over the welfare state deals first with citizenship. For that reason, matters related to social and economic rights concern citizenship in the same way as the rights and freedoms recognized in the Canadian Charter of Rights and Freedoms and the many statutes that deal with human rights. Social and economic policies have an even more direct bearing on the lives of individuals, which will colour their relationship with the government and society. The next step is therefore to understand how the different models of the welfare state can influence conceptions of citizenship. We again quote Noël's analysis:

[TRANSLATION *The post-war welfare state advocated equality as a principle of integration. This was a major step forward, because social protection ceased to be driven by compassion and charity and became a right related to citizenship. The equal opportunity of a liberal society was outstripped, or rather completed, by a broad equality of conditions obtained through state intervention. This approach was not without its limits, however. Rooted in the idea that anyone could become unemployed or poor, social protection took the form of insurance against social risks, insurance that would preserve a certain level of equality of conditions. The risk was never random and is less and less so today. As Gérard Boismenu and Jane Jenson demonstrate, the neoliberal solution to this problem consists in highlighting the insurance aspect of the social safety net and contrasting the good risks with the bad.*

The progressive response, meanwhile, challenges the very logic of insurance and calls for a full review of the distribution of wealth. The goal is to better address the problems faced by those who hold bad jobs and turn repeatedly to unemployment insurance and social assistance. [. . .]

The counterparts of neoliberal identity and the propensity to target client groups are recognition of differences and affirmation of the diversity and multiplicity of identities. Despite all its virtues, the comprehensivist welfare state remained unable to see the different identities and thus created or perpetuated injustices. Women's struggle for pay equity, for example, shows that it is not enough to create a level playing field where anyone can take a shot. By the same token, the incorporation of maternity benefits into unemployment insurance, done solely for the purpose of ensuring federal jurisdiction over the matter, denied the essential difference between motherhood and conventional unemployment. Much of the current debate over the welfare state is related to the recognition of differences between people, be they women, youth, minorities or persons having trouble entering the labour market. It is not simply a question of targeting or identity, but also one of respect for differences and the development of democratic thinking. (Noël, 1996: 21-23 (emphasis added))

The issues specific to social and economic policies have an impact on citizenship that must be noted. Policies tend to make citizenship specific rather than universal. Recognizing differences may prove to be the answer to correcting and filling out the inequities inherent in universal systems. In that sense, the social and political rights recognized through those economic policies and social programs evolve in the same manner as constitutionalized rights and freedoms, that is, by focusing more and more on the differences between citizens.

The current debate over economic policies and social programs centres around discussions of the social union. Since the 1993 election, federal-provincial relations have turned aside from the constitutional approach, and governments are trying to agree on matters that have already been addressed in constitutional talks.[45] What we have to do here is understand what issues and implications the intergovernmental discussion on the social union raises for the conception of citizenship.

As we stated earlier, the idea of a social union was first developed in the negotiations that led to the Charlottetown Accord in 1992. At that time, the New Democratic government in Ontario wanted a social charter entrenched in the Constitution in order to protect social programs. The final legal text of the Charlottetown Accord called for the following to be added to the *Constitution Act, 1982*:

36.

(1) Without altering the authority of Parliament, the provincial legislatures or the territories or the authority of the federal, provincial or territorial governments or their right to the exercise of their authority, Parliament, the legislatures and the territories, together with the federal, provincial and territorial governments, are committed to the principle of the preservation and development of Canada's social and economic union.

(2) The policy objectives of the preservation and development of the social union are to:
- *a) provide throughout Canada a health care system that is comprehensive, universal, portable, publicly administered and accessible;*
- *b) provide adequate social services and benefits to ensure that all individuals resident in Canada have reasonable access to housing, food and other basic necessities;*
- *c) provide high-quality primary and secondary education to all individuals resident in Canada and ensure reasonable access to post-secondary education;*
- *d) protect, preserve and sustain the integrity of the environment for present and future generations.*

(3) The policy objectives of the preservation and development of the economic union are to:
- *a) work together to strengthen the Canadian economic union;*
- *b) foster the free movement of persons, goods, services and capital;*
- *c) strive to meet the goal of full employment;*
- *d) ensure that all Canadians have a reasonable standard of living; and*
- *e) ensure sustainable and equitable development.*

(4) This part shall not alter the interpretation of the rights and freedoms set out in the Canadian Charter of Rights and Freedoms.

37.

(1) The federal and provincial governments are committed to putting in place, in respect of federal expenditures made in the provinces in areas of exclusive provincial jurisdiction, a monitoring system to guarantee that such expenditures:
- *a) foster the attainment of national objectives;*
- *b) reduce overlap and duplication;*
- *c) respect and do not disrupt the priorities of the provinces; and*
- *d) ensure equal treatment of the provinces in recognition of the differences that exist between their needs and situations.*

[45] For a discussion of the federal government's approach to this matter, see (Lazar, 1998: 104).

Of course, these constitutional amendments died when the Charlottetown Accord was rejected by six provinces in the October 1992 referendum. In the wake of that failure, the social union moved out of the constitutional sphere, as did the entire process of renewal of the federation. Saying it would not "talk constitution" once elected, the Chrétien government resigned itself to developing a non-constitutional approach to reforming the federation after the October 1995 referendum in Quebec. In the February 1996 Throne Speech, the Liberal government reiterated the idea of a social union (which people try to contrast with some forms of decentralization). Finally, in August 1998, the provincial and territorial governments came to terms on a framework agreement on the social union (the "Saskatoon agreement"). That agreement allowed a province or territory to opt out of any new or revised Canada-wide social program in an area of provincial/territorial jurisdiction with full compensation provided the province or territory offered a program or initiative in the same priority sectors as the Canada-wide programs.

This recap of the evolution of the concept of a social union shows that a social union can give rise to different strategies and interpretations. Indeed, the idea of a Canadian social union only looks to be simple and relatively consensual:

[TRANSLATION] *This new concept in fact encompasses a number of plans related both to the union and to social policy. Schematically, these plans can be divided into three broad categories: a "national" plan to build a common identity through integrated social policies; an intergovernmental plan to manage economic and social interdependence; and a more federal plan to develop a welfare state capable of assuming a variety of shapes. These plans are all new and are not yet in their final form. They nevertheless represent the groundwork for the political debate over the future of the federation and social programs. (Noël, 1998)*

The social union opens the door to a number of perspectives. From the first perspective, the social union is "[TRANSLATION] an opportunity to affirm common values that cannot be promoted other than through social policies established in Ottawa." in this context, "*[TRANSLATION] the idea of a social union makes up for federal concessions on spending power [. . .]*' (Noël, 1998). From the second perspective, the social union is viewed more in its federal dimension, that is, as part of the intergovernmental (federal-provincial) process of managing the Canadian union. The Saskatoon agreement raises the prospect of a third perspective, that of the Government of Quebec based on shared powers.

[TRANSLATION] Under the federal system, the purpose of the social union is not to affirm common values or even to jointly define pan-Canadian objectives. Rather, the purpose is to reaffirm the autonomy each province was given through the distribution of powers in 1867. The Canadian social union is in that sense similar to socialist Europe; major decisions on social policy are not made centrally or even jointly, but rather independently by each of the partners. (Noël, 1998)

For comparison, remember that the Charlottetown Accord provided for monitoring of federal spending power to ensure that federal spending in areas of exclusive provincial jurisdiction would "foster the attainment of national objectives."

To understand these versions of the social union, we have to take the component of civil and political participation into consideration in understanding the problems associated with Canadian citizenship. The positions at play actually reflect the conceptions of the distribution of powers between the provinces and the central government. Standing in opposition to the federal government's centralist social plan is the decentralist vision of a number of provinces, a vision that in the case of Quebec extends all the way to provincial independence. Moreover, the three visions of the social union also coincide with the debate over the welfare state (Noël, 1998). Advocates of interventionist government want the order of government they prefer to have the upper hand in managing the social union. The New Democrats and the federal Liberals thus favour a centralist and social conception of the social union, which they view as a way of developing a common vision of Canada, whereas the Parti Québécois government wants more autonomy for Quebec. Between these two positions, advocates of a neoliberal state (the Conservatives and the Quebec Liberals) hold the view that the social union must be managed by governments jointly and that social and economic policies are first and foremost a responsibility of both levels of government in a federal union.

A more detailed examination of the issues underlying the range of conceptions of the social union must be carried out, because that diversity brings to light very different ways of understanding the link between the two components of the horizontal axis of the conceptual framework: the system of rights and participation. We conclude this chapter by examining that point.

Participation by citizens in the political process means, for a sizeable proportion of Canadians, choosing leaders who are responsible for social policies. Under the current federal system, that choice cannot be separated from the choice of the level of government the citizens want to see involved in the management of social affairs. That is where major differences emerge in understanding of the relationship between the system of rights and participation. Some want to vote on crucial social policy issues in federal elections, while others want the government of their province to have considerable leeway to make decisions on social policy and want their vote in provincial elections to have a significant impact on the orientation of social policies that affect them. The differences between these two conceptions of participation relative to social policy stems, as Kymlicka (1998) clearly illustrates, from different conceptions of the link between participation and equal rights.

For those who favour central power, the equality of all Canadian citizens means that all citizens of Canada hold the same political decision-making powers. The link they make between equality and participation consists in defining the powers of political participation of the citizens by referring first to the system of equality. As Kymlicka writes:

English-speaking Canadians favour an identical status for all provinces because they think this is what the moral principle of equality requires, [. . .]. In reality, though, the issue of equality derives from a deeper dispute over nationhood. English-speaking Canadians interpret equality to require identical status for all provinces because any other conception of equality would undermine their sense of Canadian nationhood. (Kymlicka, 1998: 142)

This conception of equality implying identical status for all citizens is the basis of national identity among those who endorse it.

But the belief that causality requires symmetrical treatment of all provinces is derived from a prior commitment to the ideal of common nationhood, not vice versa. Asymmetry was rejected not because it violated the general ideal of equality, but rather because it violated the specific sort of equality that is required by, and implicit in, a common nationality. (Kymlicka, 1998: 142)

We see in this analysis the link which application of the conceptual framework to Canadian citizenship led us to make in the first two parts of this chapter between the system of rights and national identity. Advocates of this conception not only accept the central government's having determining power over social policies, they want it to have that power, not only because that is the best way to ensure that social policies are the same throughout Canada, but also and especially because the citizens of all provinces will thus have the same decision-making powers in that area.

If the position presented to this point is predominant among Anglophone Canadians, as Kymlicka believes, it is certainly not the only possible conception of the link between equality and participation. The other conception is asymmetrical power, which would enable the citizens of Quebec in particular to choose the social policies that are best for them in provincial elections. That is the essence of the asymmetrical view of federalism: "a system in which some federal units have greater self-government powers than others. We see this not only in Quebec's demands, but also in the demands of Aboriginal peoples. Their 'third order of government' will necessarily be markedly asymmetrical" (Kymlicka, 1998: 141). In the debate over the social union, the advocates of this conception demand the right to opt out in order to hand over to the provinces the power to set social policy.

Another conception of the link between participation and the system of rights is introduced here, one based on another conception of the role equality of rights should play in defining national identity. Kymlicka gives a clear explanation of this link:

Liberal democracies are deeply committed to the principle of the moral equality of persons, and equal concern and respect for their interests. But equality for individual citizens does not require equal powers for federal units. On the contrary, asymmetrical status for nationality-based units can be seen as promoting this underlying moral equality, since it ensures that the national identity of minorities receives the same concern and respect as that of the majority nation. Insofar as the English-speaking Canadians view the federal government as their 'national' government, respecting their national identity requires upholding a strong government in Ottawa ; insofar as Québécois view the government in Quebec City as their national government, respecting their national identity requires upholding a strong provincial government. (Kymlicka, 1998: 141)

The citizens of a province in which the government has the power to put forward social policies that the other provinces have delegated to the federal government are deemed to hold different powers, and that asymmetry is at odds with the vision of national identity based on the full equality of status of citizens. Kymlicka's analysis is right on the mark. Asymmetry in the powers related to political participation calls into question the national identity based on equality of status, because it involves recognition of the multinational composition of Canadian society. This analysis supports the analysis we presented in the second part of this chapter, where the definition of national identity is directly linked to the system of rights. It points out that the differences in conceptions of the social union have a very deeply rooted source, namely, the way national identity is desired. When political problems are rooted in identity conflicts, they are always very complicated, because identity is not just an idea, but is also tied to feelings like the collective self-esteem that produces emotional reactions which strongly influence political debates. Debates like the social union debate and the debates over the Canadian constitution are never just clashes between visions of the best way of running programs affecting the well-being of citizens.

So long as English-speaking Canadians cling to this ideal of a unitary Canadian nationality, they will never accept the asymmetry implicit in a multination conception of Canadian federalism. The problem is not simply that English-speaking provinces happen to desire different powers from Quebec. These differences reflect an even deeper difference in the very conception of the nature and aims of political federation. For national minorities like the Québécois, federalism implies, first and foremost, a federation of people, and decisions regarding the powers of federal subunits should recognize and affirm the equal status of the founding peoples. On this view, to grant equal powers to region-based units and nationality-based units is in effect to deny equality to the minority nation, by reducing its status to that of a regional division within the majority nation. By contrast, for English-speaking Canadians federalism implies above all a federation of territorial units, and decisions regarding the division of powers should affirm and reflect the equality of the constituent units. (Kymlicka, 1998: 143)

It is very important to note that the absolute predominance afforded individual equality in the national identity ultimately has a determining effect on citizenship:*" elle donne une plus grande place au système judiciaire et à l'appareil administratif de l'État dans la prise de décision et, plus cette place est grande, plus le pouvoir de décision des citoyens sur les questions qui les concernent par la participation politique se trouve relégué au second plan. Les citoyens conservent, bien entendu, tout le pouvoir de choisir les élus qui nomment les juges de la Cour Suprême et qui conçoivent les ententes administratives entre le gouvernement fédéral et les provinces. Les Canadiens exercent ce pouvoir toujours fidèlement, comme le montrent les taux fort acceptables de participation des électeurs aux différentes élections. Il n'y a pas au Canada de crise de la participation politique qui révélerait un désinvestissement des citoyens dans leurs institutions démocratiques. Et ce malgré le constat généralisé que les enjeux débattus dans les campagnes électorales impliquent moins de décisions à prendre sur de grandes orientations politiques et se contentent plus souvent de soulever des problématiques locales touchant les intérêts immédiats des citoyens. C'est sur ce plan que se manifeste la perte de sens de la participation politique produite par la suprématie du judiciaire et de l'administratif."*

Because political participation constantly raises the question of the distribution of powers among the partners in the Canadian federation, there is an overriding will to settle the country's biggest issues without subjecting them to political debate. However, the debate over the social union shows that it is hard to get around political participation in order to avoid having to discuss the distribution of powers. Willingness to participate is a key component of citizenship that cannot be thwarted indefinitely by other

ways of making decisions. That is probably the most important lesson to be learned from the Supreme Court of Canada's ruling on the legality of unilateral secession by Quebec. Faced with such a sensitive issue, the Court felt it wise to remain solidly within its legal prerogatives, and its decision hands back to politicians the task of resolving the constitutional issue. This milestone event in Canadian public life in 1998 is good from a citizenship perspective because it may help restore the vital importance of participation as a component of citizenship.

General Conclusion

In the first three parts, we will show that Canadian citizenship is characterized primarily by the interplay of three macro-concepts: a national identity that is basically defined by civic culture, which itself is defined by the current constitutional system based on the *Canadian Charter of Rights and Freedoms*,[46] which establishes a very strong link between the macro-concept of national identity and effective rights. By that reasoning, memberships are recognized *"d'abord sous le rapport au régime de droits, ce qui en retour ouvre la voie à la présence de la diversité des appartenances dans la participation politique et civile. La présence de citoyens d'appartenances diverses dans la représentation politique est un phénomène dont il faut souligner deux aspects : d'une part, cette présence est importante et, d'autre part, les élus issus de groupes ethno-culturels minoritaires ont une clientèle électorale qui déborde considérablement le groupe dont ils sont issus. Ils ne conçoivent pas que leur mandat est de représenter une minorité mais plutôt les intérêts de l'ensemble de leur électeurs. La même observation vaut pour la participation civile."*

Mais it is the left side of the conceptual framework (Figure 1) that is essentially used to characterize citizenship based on an examination of the actual situation in Canada, *"ce qui donne priorité à la norme d'égalité de droit dans le processus de la répartition des pouvoirs politiques."* In the fourth part, analysis of the problems associated with the social union helps show that citizenship does not lend itself entirely to definition by the system of rights. The social union issue pushes the problems associated with the distribution of political powers in the federation into the forefront, enabling us to see that the macro-concept of political and civic participation must also be taken into consideration in accounting for the reality of citizenship, which is not entirely shaped by the interrelationship between the three macro-concepts identified in the first three parts. *"Cette problématique remet à l'avant-plan la question de la nécessité de prendre en considération le poids démographique des provinces dans les décisions prises par le gouvernement central, ce qui conteste la conception de l'égalité intégrale des provinces, et aussi la nécessité de prendre en considération la volonté du Québec, telle qu'exprimée par son gouvernement actuel, d'exercer des pouvoirs particuliers pour assurer le développement de sa spécificité."*

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[46] *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982* [*Schedule B of the Canada Act, 1982* (1982, U.-K., c. 11)] (hereinafter referred to as the *Charter*).

CHAPTER 6: CITIZENSHIP IN QUEBEC

1. Quebec identity

Quebec has chosen the kind of society it wants. It is a democracy, a pluralist society with French as the official language for public life (MCCI, 1990a). The Quebec government's official policy on integration and immigration, *Au Québec pour bâtir ensemble* (MCCI, 1990a), sets out the type of society in which Quebecers shall live.

Quebec has several instruments to establish this society and ensure that it is respected, including its own Charter of Human Rights and Freedoms [*Charte des droits et libertés de la personne*], the *Code civil*, and the *Charte de la langue française*, which set out the characteristics of shared public culture in Quebec. Quebec has also adopted a good many policies, laws and action plans, giving concrete shape to these major characteristics. It has adopted policies on citizenship, especially the 1990 policy statement on immigration, and primary and secondary school reform, which added civic education to the school curriculum. Civic education is a priority in the Ministry of Education's new school integration and intercultural education policy. In addition, several agencies which advise the government of Quebec have issued, in recent years, advice about citizenship, especially the Quebec Commission on human rights and youth (Commission des droits de la personne et de la jeunesse du Québec), the Quebec Council on intercultural relations (Conseil des relations interculturelles du Québec) and the Council on the status of women (Conseil du statut de la femme).

As of 1996, when the Government of Quebec transformed the Ministry of Cultural Communities and Immigration into the Ministry of Relations with Citizens and Immigration, it confirmed the fact that pluralism in Quebec does not exist simply by virtue of an immigrant presence, but it is also created by citizens freely exercising their fundamental rights and liberties.

While this new ministry was created to give greater support to the development of feeling of belonging based on shared values and the desire to live together, as well as the full participation and well-being of all citizens, asserting the pluralism of Quebec society and being enriched by its diversity are clearly stated as objectives of the new ministry's initiative. (MRCI, 1997) (Pagé, 1998 : 11)

By defining itself as a pluralist society, Quebec is asserting a collective identity which aspires to the coexistence of distinct identities, while seeking to strengthen ties among citizens in a single political community.

The need to clarify the standard elements of the common civic structure of Quebec society was evident, in recent years, in the ongoing public debate about the basis of social cohesion in Quebec. The notion of a shared public culture was first proposed in response to the specific challenge of immigration by stipulating the conditions for integrating immigrants. This notion of a shared public culture was criticized by some, as stressed by the Quebec Council on intercultural relations, which prefers the concept of a shared civic culture, on the grounds clearly explained in the following: "One cannot consider the cultural heritage and cultural references conveyed by individuals who make up Quebec society as the standard elements of the shared civic framework" [Transl.] (CRI, 1997 : 27). The elements of this common civic framework in Quebec and the limits which this framework imposes on the expression of pluralism were explicitly stated in a notice from the Council on intercultural relations made public in 1997[47]. This notice was issued following a broad consultation process across Quebec in 1996.

The elements of the shared civic framework must be justifiable in terms of the basic legal and political principles underlying democracy so that they are legitimately accepted by all members of Quebec society; it must also be possible to generalize them so that all citizens can comply with them, regardless of their

[47] The limits of pluralism were also clearly expressed in the definition of a pluralist society given in the *Énoncé de politique en matière d'intégration et d'immigration*: "A pluralist society is open to multiple contributions, within the constraints imposed by respect for basic democratic values and the need for communication among communities." [Transl.] (MCCI, 1990a : 17).

community of origin. The shared civic framework advocated by the Council therefore involves normative principles which must be respected in public conduct and private conduct alike, and must not contradict the pluralism of modern-day Quebec, pluralism which in turn is based on fundamental democratic principles (CRI, 1997 : 28).

The Council on intercultural relations therefore defined the main strucutre of the civic framework as consisting of all rights and freedoms granted to Quebecers under the *Charte québécoise des droits et libertés*. It was also stressed that the preservation of certain fundamental rights such as human rights, freedom of speech, the separation of the Church and the State, and equality between men and women, places restrictions on pluralism.

In addition to the definition of the civic framework which all Quebecers are required to respect, the Council also cited a shared historical, cultural and natural heritage, with which all citizens, regardless of their origin, should be able to identify. All citizens are also called upon to contribute to the development of a shared heritage. This includes historical, natural and cultural elements, and the heritage of all members of Quebec society. The recognition of this heritage and its transmission through education was viewed as one way of promoting a shared feeling of belonging to Quebec among students (MEQ, 1998).

Among the measures devised to promote universal acceptance of the shared values, including openness to diversity, citizenship education is at present consuming the most creative energy in order to develop the knowledge and learning skills about life in a democracy that must make up the civic eduation curriculum (MEQ, 1998). The compulsory civic education program is put forward to encourage citizens to become involved in the various decision-making processes, and to assume their civic and social responsibilities.

One of the essential elements of the civic framework in Quebec, and indeed its distinguishing feature as stressed by the Council on intercultural relations in its notice, is the recognition of French as the official language of public life (CRI, 1997).

By becoming the official language of Quebec, French becomes the common language, legally speaking, and indeed the primary language used in public communication. As such, it is not only the language of the French-Canadian majority; it is also the primary language of civil discourse and civic participation (Pagé, 1998 : 12).

Thus it is considered necessary that all citizens learn and use French in order to achieve economic integration and acquire the civic framework and their shared heritage, and to take part in public debate and become involved in the various decision-making processes open to citizens. Not only does French become a special tool for communication among citizens, it is also presented as contributing to social integration and identification.

All Quebec policy documents consider respect for pluralism and consideration of diversity as conditions for equality. These documents even suggest that it is sometimes necessary to provide several equivalent methods to allow different individuals to exercise the same rights equally (CRI, 1997 : 32). This is why the courts cited the need to make reasonable arrangements to guarantee the right to equality (CCCI, 1993). The arrangements made must not, however, as per the notice by the Quebec Council on intercultural relations, call into question the fundamental rights and the shared civic framework described above. Individual rights and freedoms must be exercised in accordance with democratic values and public order (Leduc, 1996). The CDPQ stated that any arrangement relating to religious diversity can only be refused if it is shown and not merely presumed to have an effect on public order or equality of the sexes (CDPQ, 1995).

During its consultations, the Council noted some concern over the risks associated with the "law of the majority" if it unduly imposed its point of view on the democratic process (CRI, 1997 : 21). This concern accounts for Quebec's recognition that public institutions must give consideration to cultural and religious diversity.

As a democratic society, Quebec has developed measures which are consistent with a tradition of repsecting minorities. For instance, it recognizes the Aboriginal right to maintain and develop their unique characteristics, and instills in citizens a respect for the historic rights of the Anglophone minority. Section 43 of Quebec's *Charte des droits et libertés* sets out the right to maintain a distinct cultural life. Relations between some communities in Quebec are strained, however, especially between Anglophone and Francophone communities, and between Aboriginal peoples and other people in Quebec.

The recognition of the French language as a key element in Quebec's identity led the Qubec government to adopt the *Charte de la langue française* in 1977. Prior to its adoption, the vast majority of immigrants became integrated into the Anglophone population, in particular by enrolling their children in English schools. Specific provisions of the Charter now direct the children of new immigrants to French schools.

The moral contract set forth in the 1990 policy statement and the implied notion of reciprocity means that, in order for immigrants to learn French, they must have the cooperation and participation of all Quebecers with regard to assistance measures. Moreover, the host community expects immigrants and their children to be open to the French fact, accept the measures required to teach Quebec's official language and to gradually develop a sense of commitment to its development (MCCI, 1990a).

The language policy is especially evident in the public services offered by the Quebec government. The place of French in communications, work, trade and business has been expanded and reaffirmed.

2. Conditions for exercising citizenship

The vision Quebec is seeking to adopt in order to promote and consolidate the social cohesion of its political community is not based solely on shared values, but also on including all citizens in the community. Quebec has made considerable efforts in recent years to ensure that the unity of Quebec society evolves considering diversity as an asset (in this regard, see especially the 1990 policy statement), and the responsibilities as shared between the state, its citizens and various social partners. Citizens are increasingly called upon to contribute to the management of institutions providing state services, as seen in the education reform, which gives considerable powers to the boards of institutions to manage the educational institutions, the creation of user committees for health services and the existence of administrative boards in organizations receiving state funding.

In the area of social policy, Quebec set the objective of ensuring that no individual is excluded from the public space due to his identity, whether based on race, gender, age or sexual orientation. Citizens are guaranteed a range of social rights, as well as protection against socio-economic risks. Sections 39 to 48 of the *Charte des droits et libertés* grants economic and social rights such as free public education, the right to financial assistance, working conditions, the protection of seniors. The health and vehicle insurance systems, occupational health and safety and the consumer protection agency illustrate this commitment.

Quebec relies heavily on solidarity to foster a feeling of belonging among its citizens. Solidarity between generations of citizens is encouraged in particular. In connection with the International Year of Older Persons (1999), the youth and seniors relations secretariat instituted a series of measures to make the people of Quebec more aware of the valuable social contribution made by older people, both to their families and future generations. One of its objectives is to promote greater solidarity among all generations and to change the perceptions held of older persons, while promoting their inclusion, ending their isolation and breaking down prejudices against them.

Initiatives to encourage closer ties and solidarity among the various groups which make up Quebec society, especially individuals belonging to minority religious groups, have been especially emphasized in recent years. The Council on intercultural relations notes that leaving individuals withdrawn in their groups can only lead to a deterioration of Quebec's social fabric (CRI, 1997). To maintain social ties among various groups, an effort was made to develop measures or activities which promote closer ties among citizens belonging to various religious communities and to encourage dialogue among citizens. Quebec citizenship week in 1998 and the creation of the Quebec citizenship award (in recognition of civic involvement and commitment, organizational excellence and volunteerism) stresses three main themes

in this regard: openness to pluralism, promotion of democratic values and strengthening of solidarity. It focuses on dialogue and sharing, as a way of celebrating the contribution of all Quebecers to the province's growth and development.

The participation of immigrants in Quebec life, as noted in the 1990 policty statement, is a condition of their successful integration. The study and policy paper for the 1990 policy statement also stresses the central importance of identification and allegiance in achieving integration into Quebec society.

Clearly, developing a sense of identification and allegiance to the entire society is of tremendous importance, for this is a society which includes all citizens, over and above their individual differences and specific group memberships (MCCI, 1990b : 10).

This sense of belonging is based on five key elements:

- *knowing and understanding the values of the host society, the cultural points of reference of the majority group, its history and aspirations;*
- *creating a harmonious identity for oneself which unites membership in a specific community and identification with the host society;*
- *recognizing oneself as a full member in the host society in all messages it conveys through its various institutions;*
- *feeling recognized as full members in Quebec society in their personal contacts;*
- *experiencing closer ties among communities, and personal relationships transcending cultural or racial group membership (Pagé, 1993 ; 61).*

Immigrants are considered to participate fully in community life on a functional level once they are economically integrated; when they attend common institutions which give full access to all public, semi-public and quasi-public services; once they are involved in institutions where the orientations of community life are negotiated and defined and participate fully in community life through harmonious and significant individual contacts which presume a sense of identification and allegiance to the society uniting all citizens over and above their specific groups.

With regard to sharing of responsibilities, the new Quebec policy in support of local and regional development places greater emphasis on local and regional communities by pointing out that identification is with the local community, and power can be exercised at that level. Recourse to mediation on family and housing issues (through the Régie du logement), is becoming more common in Quebec, and it is presented as a way for citizens to assume responsibility for the problems which affect them. Similarly, a great number of Quebec organizations insist that conflicts be kept out of the courts, so that parties will negotiate or find methods of conflict resolution other than legal action.

Recent Quebec initiatives to encourage citizens to participate in discussions, actions and decisions on Quebec's socio-economic, political and cultural development include the government youth action plan, *Jeunesse Québec 1998-2001*, and the program in support of civic participation. The youth action plan invites young people and other citizens to participate more fully in policies and measures which affect them. It seeks in particular to identify the obstacles to the economic integration of young people, and to propose courses of action.

Conclusion

This overview of the key parameters of citizenship, as defined through public debate in Quebec over the last ten years, reveals both the desire to protect its specific character as a Francophone society on an Anglophone continent, and its desire to comply with the principles of a liberal and democratic constitutional state. Quebec's national identity is complex and reflects the diverse identities of its constituent groups. The common core of this identity is civic in nature, and includes the French language, which is not a tool for assimilating minority identities but a tool of public communication through which distinct identities can express themselves with full legitimacy. In other words, the effective system of rights, characterized by full equality for all citizens, gradually led Quebecers to develop a collective identity which leaves room for the pluralist nature of the society and sets out the standards

governing public life.

Quebec society has gradually developed this view of itself over the last 10 years, in light of a truly pluralist society. Pluralism is clearly a difficult balance to achieve and maintain. This overview shows how institutions have been successively established to consolidate this approach and ensure that it is truly the standard experienced by the majority of citizens.

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APPENDIX A

Figure 1 Conceptual framework

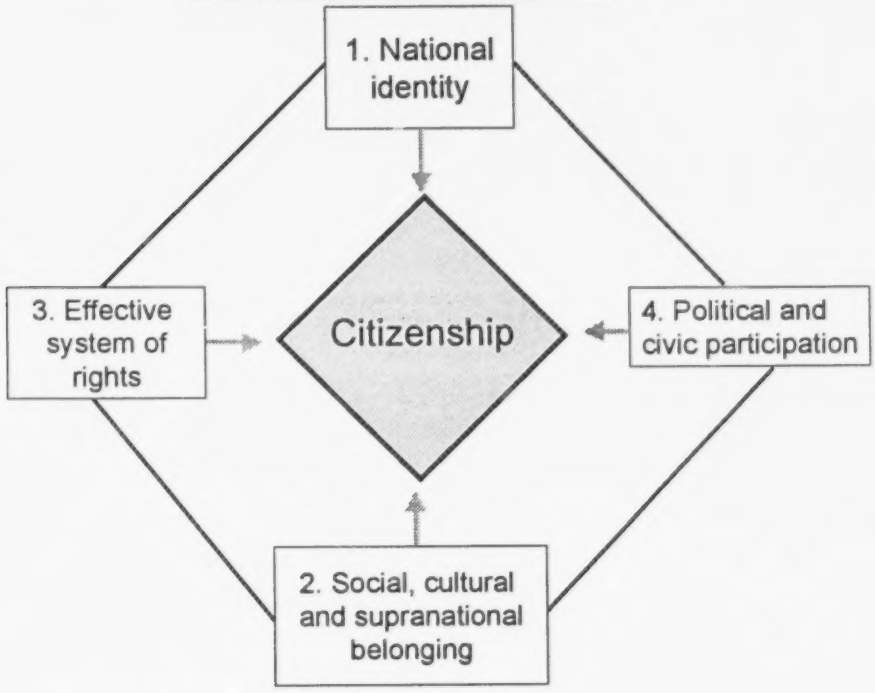

1. National identity
3. Effective system of rights
Citizenship
4. Political and civic participation
2. Social, cultural and supranational belonging

Figure 2

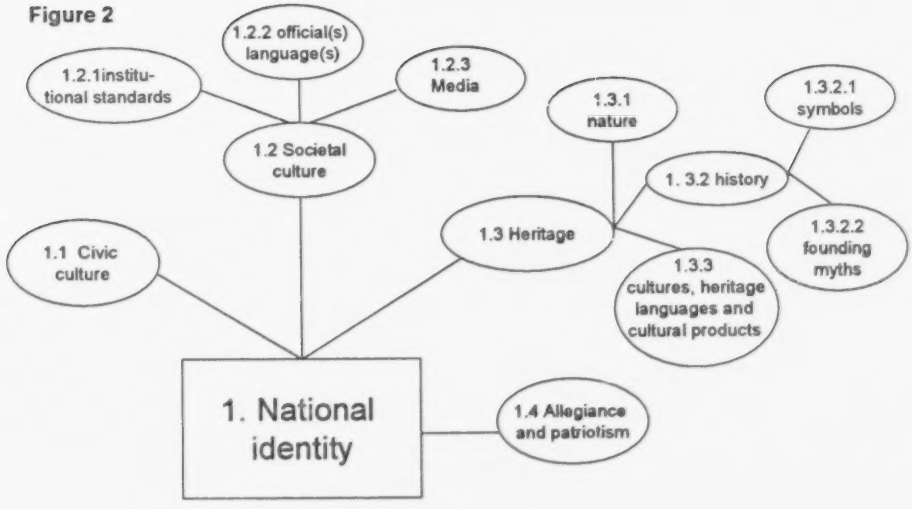


Figure 3

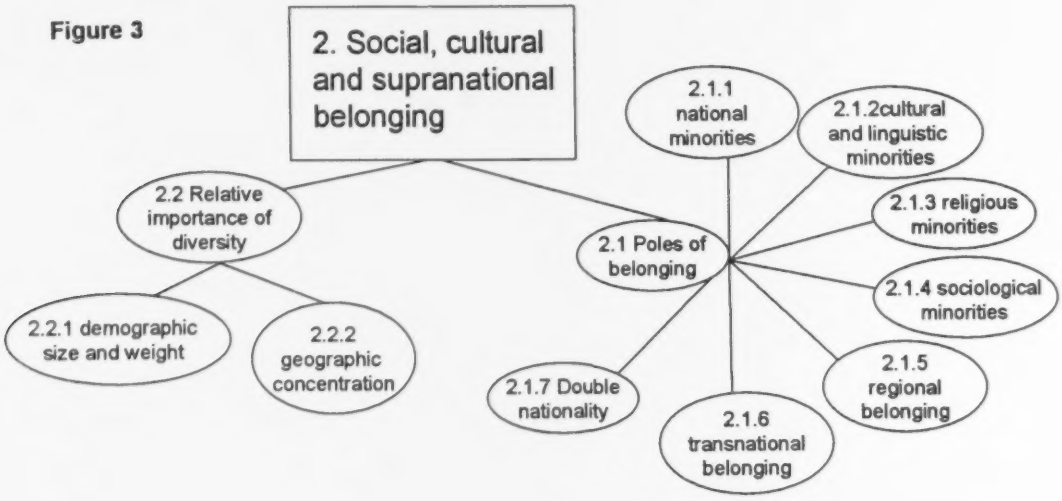


Figure 4

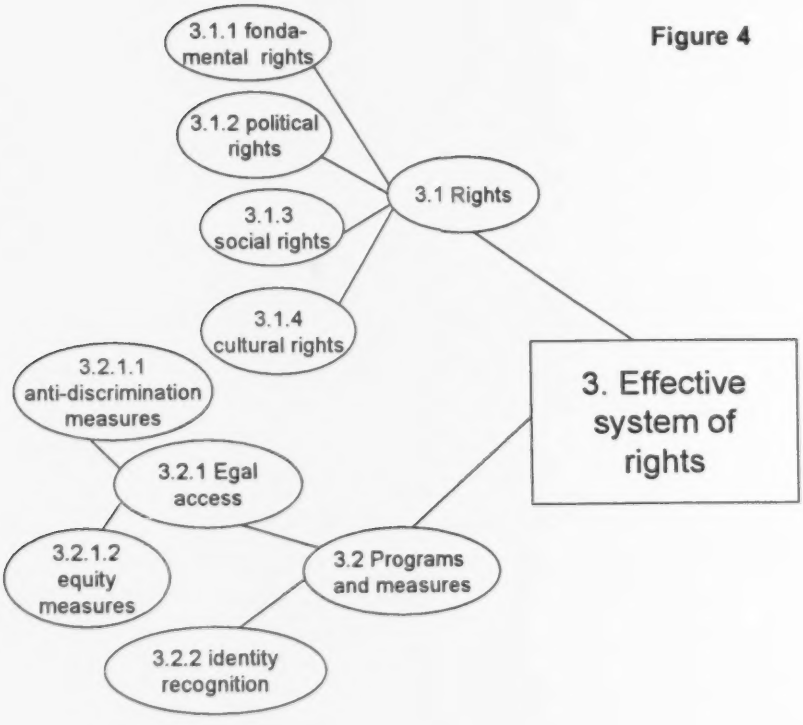
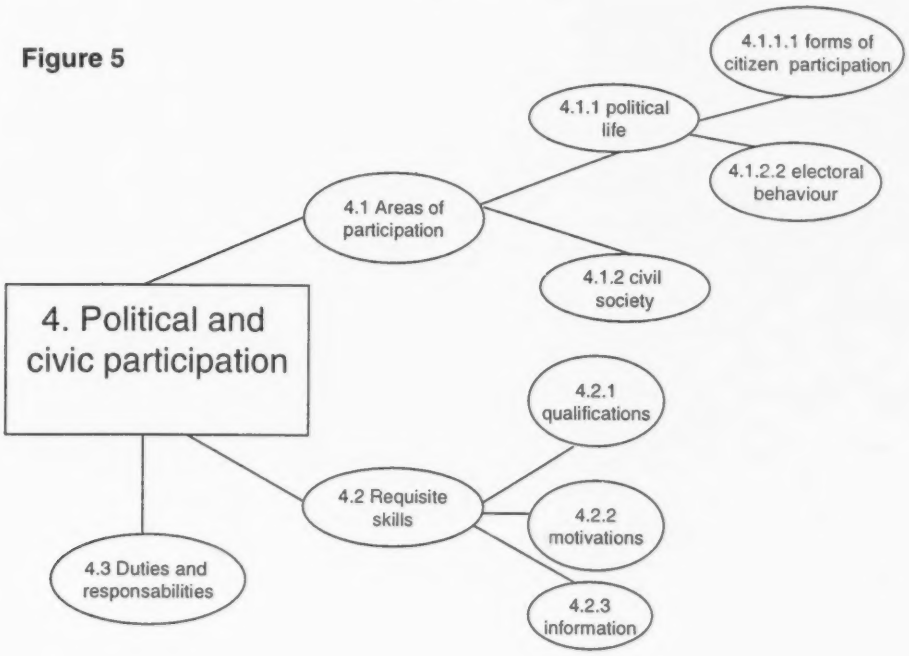
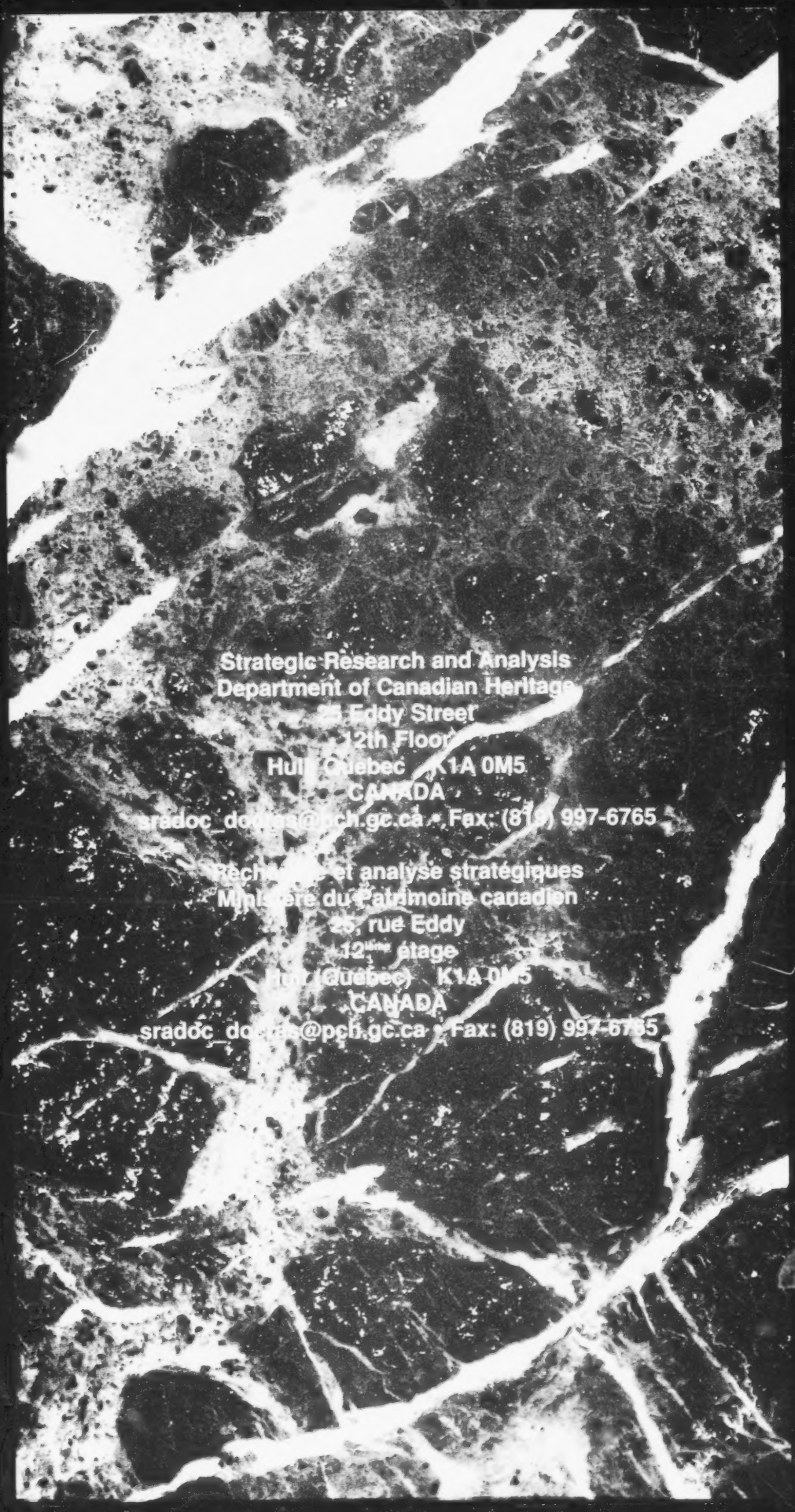


Figure 5


4. Political and civic participation
4.1 Areas of participation
4.1.1 political life
4.1.1.1 forms of citizen participation
4.1.2.2 electoral behaviour
4.1.2 civil society
4.2 Requisite skills
4.2.1 qualifications
4.2.2 motivations
4.2.3 information
4.3 Duties and responsabilities



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